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सं. 38] नई दिल्ली, सितम्बर 11—सितम्बर 17, 2011, शनिवार/भाद्र 20—भाद्र 26, 1933
No. 38] NEW DELHI, SATURDAY, SEPTEMBER 11—SEPTEMBER 17, 2011/BHADRA 20—BHADRA 26, 1933

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

वित्त मंत्रालय

(वित्तीय सेवाएं विभाग)

(शुद्धिपत्र)

नई दिल्ली, 5 सितम्बर, 2011

का. आ. 2480.—भारत के राजपत्र, भाग-II, खण्ड 3, उप-खण्ड (ii) में प्रकाशित भारत सरकार, वित्त मंत्रालय, वित्तीय सेवाएं विभाग की अधिसूचना सं. 7/3/2008-बीओ-1, दिनांक 11 अगस्त, 2011 का अधिक्रमण करते हुए और भारतीय रिजर्व बैंक अधिनियम, 1934 की धारा 8 की उप-धारा (4) के साथ पठित उप-धारा (1) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, डॉ. डी. सुब्बाराव को 5 सितम्बर, 2011 से आरम्भ होकर 4 सितम्बर, 2013 को समाप्त होने वाली दो वर्षों की और अवधि के लिए भारतीय रिजर्व बैंक के गवर्नर के रूप में पुनर्नियुक्त करती है।

[फा. सं. 7/3/2008-बीओ-1]
उमेश कुमार, संयुक्त सचिव

MINISTRY OF FINANCE
(Department of Financial Services)
CORRIGENDUM

New Delhi, the 5th September, 2011

S.O. 2480.—In supersession of the notification of the Government of India, Ministry of Finance, Department of Financial Services, No. 7/3/2008-B. O.-I, dated the 11th August 2011, published in the Gazette of India, Part II, Section 3, Sub-section (ii) and in exercise of the powers conferred by clause (a) of Sub-section (1) read with Sub-section (4) of Section 8 of the Reserve Bank of India Act, 1934, the Central Government, hereby re-appoints Dr. D. Subbarao as Governor of the Reserve Bank of India for a further period of two years commencing from 5th September, 2011 and ending with 4th September, 2013.

[F No. 7/3/2008-B.O.-I]
UMESH KUMAR, Jt. Secy.

अधिसूचना

नई दिल्ली, 5 सितम्बर, 2011

क्र. आ. 2481.—निक्षेप बीमा और प्रत्यय गारंटी निगम अधिनियम, 1961 (1961 का 47) की धारा 6 की उप-धारा (2) के खंड (ii) के साथ पठित धारा 6 की उपधारा (1) के खण्ड (ड) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करके, एतद्वारा, श्री कमलेश शिवजी विकमसे को उनकी अधिसूचना की तारीख से तीन वर्षों की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, निक्षेप बीमा और प्रत्यय गारंटी निगम (डी आई सी जी सी) के निदेशक मंडल में अंशकालिक गैर-सरकारी निदेशक के रूप में नामित करती है।

[फा. सं. 6/1/2008-बीओ-1]
विजय मल्होत्रा, अवर सचिव

NOTIFICATION

New Delhi, the 5th September, 2011

S.O. 2481.—In exercise of the powers conferred by clause (e) of Sub-section (1) of Section 6 read with clause (ii) of Sub-section (2) of Section 6 of the Deposit Insurance and Credit Guarantee Corporation Act, 1961 (47 of 1961), the Central Government, in consultation with Reserve Bank of India, hereby nominates Shri Kamlesh Shivji Vikamsey as part time non official Director on the Board of Directors of Deposit Insurance and Credit Guarantee Corporation (DICGC) for a period of three years from the date of his notification, or until further orders, whichever is earlier.

[F No. 6/1/2008-B.O.-I]
VIJAY MALHOTRA, Under Secy.

मुख्य आयकर आयुक्त का कार्यालय

जोधपुर, 6 सितम्बर, 2011

सं. 7/2011-12

क्र. आ. 2482.—आयकर अधिनियम 1961 (1961 का 43वां) की धारा 10(23ग) के खण्ड (vi) के साथ पठित आयकर विधिवार्षिकी-1962 के नियम 2 ग ए द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मुख्य आयकर आयुक्त, जोधपुर एतद्वारा “राजस्थान विकास संस्थान, तीसरा प्रहर भवन, प्रथम ए रोड, जोधपुर” को उक्त धारा के प्रयोजनार्थ निर्धारण वर्ष 2007-08 से आगे तक निम्नलिखित शर्तों के अधीन अनुमोदित करते हैं :—

1. कर निर्धारिती उसकी आय का प्रयोग अथवा उसकी आय का प्रयोग करने के लिए उसका संवयन पूर्णतः तथा अनन्यतः उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई। कर निर्धारिती न्यास द्वारा एक प्रतिबद्धता (अंडरटेकिंग) की गयी है कि संस्था का कार्य केवल शिक्षा प्रसार ही होगा व इसके अलावा संस्था कोई कार्य नहीं करेगी। संस्था को यह सुनिश्चित करना है कि दी गई अंडरटेकिंग का उल्लंघन न हो।
2. कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जेवाहिरत, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा।
3. यह आदेश किसी ऐसी आय के संबंध में लागू नहीं होगा, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों।

4. कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ।
5. विघटन की स्थिति में इसकी अतिरिक्त राशियां और परिसंपत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी और उसका कोई भी भाग संस्थान के किसी सदस्य को नहीं दिया जाएगा ।
6. आयकर अधिनियम की धारा 10(23 ग) के साथ पठित 115 खखग में परन्तुक 15 की शर्तों में अनाम दानों के सम्बन्ध में यह अनुमोदन लागू नहीं होगा ।
7. यह अधिसूचना तब तक जारी रहेगी जब तक इसे वापस न लिया जाये ।

[सं. मु.आ.आ./आ.अ. (तक.) /जोध/2011-2012/2224]

दिलीप शिवपुरी, मुख्य आयकर आयुक्त

OFFICE OF THE CHIEF COMMISSIONER OF INCOME-TAX

Jodhpur, the 6th September, 2011

No. 7/2011-12

S.O. 2482.—In exercise of the powers conferred by clause (vi) of Section 10(23C) of the Income-tax Act, 1961 (43 of 1961) read with rule 2CA of the Income Tax Rules, 1962, I, the Chief Commissioner of Income Tax, Jodhpur hereby approve "Rajasthan Vikas Sansthan Teesra Prahar Bhawan, Ist A Road, Sadarpura, Jodhpur," for the purpose of the said section for the assessment year 2007-08 onwards, subject to the following conditions :

1. the assessee will apply its income, or accumulate for application wholly and exclusively to educational purpose only. The assessee trust shall have to adhere to its under taking that the activities of the Institute shall be confined only to educational purpose. The Institute shall do no other activity except education.
2. the assessee will not invest or deposit its funds (other than voluntary contribution received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of section 11;
3. this order will not apply in relation to any income being profits and gain of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
4. the assessee will regularly file its return of income before the income-tax authority in accordance with the provisions of Income-tax Act, 1961;
5. that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives and no part of the same will go to any of the members of the Institution.
6. The approval will not apply in relation to anonymous donations in terms of the fifteenth proviso to section 10(23C) r.w.s. 115BBC of the Act.
7. This notification will remain in force until it is withdrawn.

[No. CCIT/ITO(Tech.)/Ju/2011-2012/2224]

DILEEP SHIVPURI, Chief Commissioner of Income Tax

जयपुर, 7 सितम्बर, 2011

सं. 6/2011-12

का. आ. 2483.—आयकर नियम 1962 के नियम 2 सी.ए के साथ पठनीय आयकर अधिनियम, 1961 (1961 का 43वां) की धारा 10 के खण्ड (23 सी) की उप-धारा (vi) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मुख्य आयकर आयुक्त, जयपुर एतद्वारा निर्धारण वर्ष 2010-11 एवं आगे के लिए कथित धारा के उद्देश्य से "संस्कार विद्या मंदिर शिक्षा समिति, देवली, टोंक (स्थाई खाता संख्या AADTS2208M)" को स्वीकृति देते हैं ।

2. बशर्ते कि समिति आयकर नियम 1962 के नियम 2 सी.ए के साथ पठनीय आयकर अधिनियम, 1961 की धारा 10 के उप-खण्ड (23 सी) की उप-धारा (vi) के प्रावधानों के अनुरूप कार्य करें ।

[सं. मु.आ.आ./अ.आ.आ. (मु.) /जय/10/(23सी)(vi)/11-12/3038]

मुकेश भान्ती, मुख्य आयकर आयुक्त

Jaipur, the 7th September, 2011

No. 6/2011-12

S.O. 2483.—In exercise of the powers conferred by sub-clause (vi) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961) read with rule 2CA of the Income-tax Rules, 1962 the Chief Commissioner of Income-tax, Jaipur hereby approves "Sanskar Vidhya Mandir Siksha Samiti, Deoli, District-Tonk (PAN-AADTS2208M)" for the purpose of said section from A. Y. 2010-11 and onwards.

2. Provided that the society conforms to and complies with the provisions of sub-clause (vi) of clause (23C) of Section 10 of the Income-tax Act, 1961 read with rule 2CA of the Income-tax Rules, 1962.

[No. CCT/JP/Addl. CIT(Hqrs.)/10(23C)(vi)/2011-12/3038]

MUKESH BHANTI, Chief Commissioner of Income Tax

नई दिल्ली, 13 सितम्बर, 2011

क्र. आ. 2484.—बीमा नियमावली, 1939 के नियम 60 के साथ पठित बीमा अधिनियम, 1938 की धारा 110छ की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, परामर्शदात्री समिति का गठन करती है और उस प्रयोजनार्थ निम्नलिखित व्यक्तियों को सरकारी राजपत्र में इस अधिसूचना के प्रकाशन की तिथि से तीन वर्षों की अवधि के लिए उक्त समिति के अध्यक्ष एवं सदस्य के तौर पर नियुक्त करती है, नामतः :—

- | | |
|---|---------|
| 1. श्री जे. हरि नारायण, अध्यक्ष, आईआरडीए | अध्यक्ष |
| 2. श्री जी. एन. बाजपेयी (पूर्व अध्यक्ष, एसईबीआई एवं एलआईसी) | सदस्य |
| 3. श्री डी. सेनगुप्ता (पूर्व अध्यक्ष, जीआईसी एवं सीएमडी, एनआईसीएल) | सदस्य |
| 4. श्री बी. चक्रवर्ती (पूर्व सीएमडी, एनआईसीएल एवं सीएमडी, एनआईसीएल) | सदस्य |

[फा. सं. एच-12013/04/2011-बीमा-1]

जे. के. मेहन, अवर सचिव

New Delhi, the 13th September, 2011

S.O. 2484.—In exercise of the powers conferred by Sub-section 1 of Section 110G of the Insurance Act, 1938 read with rules 60 of the Insurance Rules, 1939, the Central Government hereby constitutes a Consultative Committee and for that purpose appoint the following persons as Chairman and Members of the said Committee for a period of three years from the date of publication of this notification in the Official Gazette, namely :—

- | | |
|---|----------|
| 1. Shri J. Hari Narayan, Chairman, IRDA | Chairman |
| 2. Shri G. N. Bajpai (Former Chairman, SEBI and LIC) | Member |
| 3. Shri D. Sengupta (Former Chairman GIC and CMD, NIACL) | Member |
| 4. Shri B. Chakrabarti, (Former CMD NIACL and CMD, NICTL) | Member |

[F. No. H-12013/04/2011-Ins. I]

J. K. MEHAN, Under Secy.

वाणिज्य एवं उद्योग मंत्रालय

(वाणिज्य विभाग)

नई दिल्ली, 8 सितम्बर, 2011

क्र. आ. 2485.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में वाणिज्य विभाग के अधीन निम्नलिखित कार्यालय को एतद्वारा अधिसूचित करती है, जिसके 80 प्रतिशत से अधिक कर्मचारीवृंद ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है :

फुटवियर डिजाइन एण्ड डेवलपमेंट इन्स्टिट्यूट (एफ डी डी आई)

ए-10/ए, सेक्टर-24, नोएडा-201301

जिला-गौतम बुद्ध नगर (उत्तर प्रदेश). भारत

[सं. ई-11013/1/2008-हिन्दी]

श्रीमती देवकी, निदेशक

MINISTRY OF COMMERCE AND INDUSTRY**(Department of Commerce)**

New Delhi, the 8th September, 2011

S.O. 2485.—In pursuance of Sub-rule (4) of Rule 10 of the Official Language (Use for official purposes of the union) Rules, 1976, the Central Govt. hereby notifies the following office under Department of Commerce, whereof more than 80% staff have acquired a working knowledge of Hindi :

Footwear Design and Development Institute (FDDI)
A-10/A, Sector-24, Noida-201301
Distt. Gautam Budha Nagar (U. P.),
India

[No. E-11013/1/2008-Hindi]

Smt. DEVKI, Director

मानव संसाधन वि. नं. बालय

(उच्चतर शिक्षा विभाग)

नई दिल्ली, 25 अगस्त, 2011

क्र.आ. 2486.—सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 में प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्द्वारा नीचे तालिका के कॉलम (1) में उल्लिखित अधिकारी को उक्त अधिनियम के प्रयोजनार्थ सरकार के राजपत्रित अधिकारी के समतुल्य अधिकारी श्रेणी अधिकारी होने के फलस्वरूप संपदा अधिकारी नियुक्त करती है जो उक्त अधिनियम द्वारा अथवा उसके तहत प्रदत्त शक्तियों का प्रयोग करेगा और उक्त तालिका के कॉलम (2) में विनिर्दिष्ट सार्वजनिक परिसरों के संबंध में उसके क्षेत्राधिकार की स्थानीय सीमाओं के भीतर संपदा अधिकारी को सौंपे गए कार्यों को निष्पादित करेगा।

तालिका

अधिकारी का पदनाम	सार्वजनिक परिसरों की श्रेणी और क्षेत्राधिकार की स्थानीय सीमाएं
परियोजना इंजीनियर, भारतीय प्रौद्योगिकी संस्थान, इंदौर	भारतीय प्रौद्योगिकी संस्थान, इंदौर से संबंधित अथवा उसके द्वारा अथवा उसकी ओर से अधिग्रहीत अथवा पट्टे पर लिए गए परिसर।

[फा. सं. 14-25/2010-टीएस-1]

प्रिस्का मैथ्यू, अवर सचिव

MINISTRY OF HUMAN RESOURCE DEVELOPMENT**(Department of Higher Education)**

New Delhi, the 25th August, 2011

S.O. 2486.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officer mentioned in column (1) of the Table below, being the officer equivalent to the rank of gazetted officers of the Government, to be Estate Officer for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed, on estate officer by or under the said Act, within the local limits of his jurisdiction in respect of the public premises specified in column (2) of the said Table.

TABLE

Designation of the officer	Categories of public premises and local limits of jurisdiction
Project Engineer, Indian Institute of Technology, Indore.	Premises belonging to, or taken on lease or requisitioned by or on behalf of the Indian Institute of Technology, Indore.

[F. No. 14-25/2010-TS-I]

PRISCA MATHEW, Under Secy.

नागर विमानन मंत्रालय

(एडी अनुभाग)

नई दिल्ली, 2 सितम्बर, 2011

का.आ. 2487.—भारतीय विमानपत्तन आर्थिक विनियामक प्राधिकरण, अधिनियम, 2008 (2008 का 27) की धारा-9 के उप-धारा (1) में निहित शक्तियों का प्रयोग करते हुए केन्द्र सरकार, एतद्वारा कैप्टन कपिल चौधरी, आई आर एस (सी तथा सीई : 2001), निदेशक (विधिक), विमानपत्तन आर्थिक विनियामक प्राधिकरण, नई दिल्ली को तुरंत प्रभाव से नियमित पदधारी द्वारा पद ग्रहण करने अथवा अगले आदेशों तक जो भी पहले हो, सचिव, विमानपत्तन आर्थिक विनियामक प्राधिकरण का अतिरिक्त पदभार सौंपती है।

[फा. सं. ए-12023/1/2011-एडी]

सैयद इमरान अहमद, अवर सचिव

MINISTRY OF CIVIL AVIATION

(AD Section)

New Delhi, the 2nd September, 2011

S.O. 2487.—In exercise of the powers conferred by sub-section (1) of Section 9 of the Airport Economic regulatory Authority of India Act, 2008 (27 of 2008), the Central Government hereby assign the additional charge of the post of Secretary, Airports Economic Regulatory Authority to Capt. Kapil Chaudhary, IRS (C & CE : 2001), Director (Legal), Airports Economic Regulatory Authority, New Delhi with immediate effect till the regular incumbent joins the post or till further orders, whichever is earlier.

[F. No. A. 12023/1/2011-AD]

SYED IMRAN AHMED, Under Secy.

विदेश मंत्रालय

(सीपीवी प्रभाग)

नई दिल्ली, 8 सितम्बर, 2011

का.आ. 2488.—राजनयिक और कौंसलीय ऑफिसर (शपथ और फीस) के अधिनियम, 1948 (1948 का 41) की धारा 2 के खंड (क) के अनुसरण में, केन्द्र सरकार एतद्वारा श्री संजय कुमार, पी.ए. और श्री विक्रम सिंह ठाकुर सहायक को 8-9-2011 से भारत के राजदूतावास, बामाको (माली) में सहायक कौंसुलर अधिकारी के कर्तव्यों का पालन करने के लिए प्राधिकृत करती है।

[सं. टी-4330/1/2006]

आर. के. पेरिन्डिया, अवर सचिव (कौंसुलर)

MINISTRY OF EXTERNAL AFFAIRS

(CPV Division)

New Delhi, the 8th September, 2011

S.O. 2488.—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby authorize Shri Sanjay Kumar, PA and Shri Vikram Singh Thakur, Assistant, Embassy of India, Bamako (Mali) to perform their duties of Assistant Consular Officers with effect from 8th September, 2011.

[No. T-4330/1/2006]

R. K. PERINDIA, Under Secy. (Consular)

स्वास्थ्य एवं परिवार कल्याण मंत्रालय

नई दिल्ली, 6 मई, 2011

का.आ. 2489.—दंत चिकित्सा अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार, भारतीय दंत चिकित्सा परिषद् से परामर्श करके, उक्त अधिनियम की अनुसूची के भाग-I में निम्नलिखित और संशोधन करती है नामतः :—

2. डॉ. भीम राव अम्बेडकर विश्वविद्यालय, आगरा के संबंध में दंत चिकित्सा अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में क्रम संख्या 58 के बाद मौजूद कॉलम 2 तथा 3 की प्रविष्टियों में इसके पश्चात् निम्नलिखित प्रविष्टियों को अंतर्गुह्य किया जाएगा :

“बाबू बनारसी दास दंत विज्ञान कालेज, लखनऊ

मास्टर ऑफ डेंटल सर्जरी

- | | |
|---|---|
| (i) पिरियड ओन्टोलॉजी
(यदि दिनांक 4-9-2010 को अथवा इसके बाद प्रदान की गई हो)। | एमडीएस (पिरियड ओन्टोलॉजी) डॉ. बी आर अम्बेडकर विश्वविद्यालय, आगरा |
| (ii) प्रोस्थोडोन्टिक्स तथा क्राउन व ब्रिज
(यदि दिनांक 11-9-2010 को अथवा इसके बाद प्रदान की गई हो)। | एमडीएस (प्रोस्थो) डॉ. बी आर अम्बेडकर विश्वविद्यालय, आगरा |
| (iii) कन्जरवेटिव डेंटिस्ट्री एवं एंडोडेंटिक्स
(यदि दिनांक 14-9-2010 को अथवा इसके बाद प्रदान की गई हो)। | एमडीएस (कन्जरवेटिव डेंटिस्ट्री) डॉ. बी आर अम्बेडकर विश्वविद्यालय, आगरा |
| (iv) ओरल एवं मेक्शीलोफेसियल सर्जरी
(यदि दिनांक 4-9-2010 को अथवा इसके बाद प्रदान की गई हो)। | एमडीएस (ओरल एवं मेक्शीलोफेसियल सर्जरी) डॉ. बी आर अम्बेडकर विश्वविद्यालय, आगरा |
| (v) आर्थोडोन्टिक्स एवं डेंटोफेसियल आर्थोपेडिक्स
(यदि दिनांक 14-9-2010 को अथवा इसके बाद प्रदान की गई हो)। | एमडीएस (आर्थो) डॉ. बी आर अम्बेडकर विश्वविद्यालय, आगरा” |

[सं. वी-12017/75/2005-डीई]

अनीता त्रिपाठी, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

New Delhi, the 6th May, 2011

S.O. 2489.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government after consultation with Dental Council of India hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely :—

2. In the existing entries of columns 2 and 3 against Serial No. 58, in part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of dental degrees awarded by Dr. Bhim Rao Ambedkar University, Agra, the following entries shall be inserted thereunder :—

“Babu Banarsi Das College of Dental Sciences, Lucknow

Master of Dental Surgery

- | | |
|--|---|
| (i) Periodontology
(if granted on or after 4-9-2010) | MDS (Periodontology), Dr. B. R. Ambedkar University, Agra. |
| (ii) Prosthodontics and Crown & Bridge
(if granted on or after 11-9-2010) | MDS (Prosthodontics), Dr. B. R. Ambedkar University, Agra. |
| (iii) Conservative Dentistry and Endodontics
(if granted on or after 14-9-2010) | MDS (Cons. Dentistry), Dr. B. R. Ambedkar University, Agra. |
| (iv) Oral & Maxillofacial Surgery
(if granted on or after 4-9-2010) | MDS (Oral & Max. Surg.), Dr. B. R. Ambedkar University, Agra. |
| (v) Orthodontics & Dentofacial Orthopedics
(if granted on or after 14-9-2010) | MDS (Orthodontics), Dr. B. R. Ambedkar University, Agra.” |

[No. V-12017/75/2005-DE]
ANITA TRIPATHI, Under Secy.

भारतीय डाक विभाग

(कार्यालय मुख्य पोस्टमास्टर जनरल कलकत्ता-1)

रायपुर, 1 अगस्त, 2011

क्र.आ. 2490.—यतः श्री मनीष प्रधान, निरीक्षक रेल डाकसेवा, रायपुर के विभागीय जांच के संबंध में केंद्रीय सरकार का मत है कि साक्षियों को सभन जारी करने की आवश्यकता है।

अतएव, विभागीय जांच (साक्षी हाजिर कराना और प्रलेख प्रस्तुत कराना) अधिनियम, 1972 (1972 का 18) की धारा 4 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्रीय सरकार द्वारा भारतीय डाक विभाग में कार्यरत श्री मनीष प्रधान, निरीक्षक रेल डाक सेवा, रायपुर के विरुद्ध जांच के संबंध में उपर्युक्त अधिनियम की धारा 5 के द्वारा प्रदत्त शक्तियों का प्रयोग करने के लिये श्री एम. आर. कावडकर को जांच अधिकारी एतद्द्वारा अधिकृत किया जाता है।

[ज्ञा. क्र. सतर्कता 3-5/आरएमएस/आरपी संभाग]

जसवन्त पांडा, मुख्य पोस्टमास्टर जनरल

DEPARTMENT OF POSTS

(Office of the Chief Postmaster General)

Raipur, the 1st August, 2011

S.O. 2490.—Whereas the Central Government is of opinion that for the purposes of the department inquiry relating to Shri Manish Pradhan, IRM, Raipur it is necessary to summon witnesses.

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Department Inquiries (Enforcement of Attendance of Witnesses and Production of Documents) Act, 1972 (18 of 1972), the Central Government hereby authorizes Shri M. R. Kawadkar as the inquiring authority to exercise the power specified in section 5 of the said Act in relation to Shri Manish Pradhan, IRM, Raipur working in the Department of Post.

[No. Vig. 3-5/RMS/RP Division]

J. PANDA, Chief Postmaster General

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

भारतीय मानक ब्यूरो

नई दिल्ली, 23 अगस्त, 2011

क्र. आ. 2491.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस/आई एस ओ : 3183 : 2007 पेट्रोलियम एवं प्राकृतिक गैस उद्योग - पाईपलाइन परिवहन तंत्र के लिए इस्पात की पाईप	आई एस 1978 : 1982 आई एस 1979 : 1985	01 नवम्बर, 2011

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एमटीडी 19/टी-8]

पी. घोष, वैज्ञानिक 'एफ' एवं प्रमुख (एमटीडी)

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

(BUREAU OF INDIAN STANDARDS)

New Delhi, the 23rd August, 2011

S.O. 2491.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standard Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. & Year of the Indian Standards Established	No. & year of Indian Standards if any, Superseded by the New Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1.	IS/ISO 3183 : 2007 Petroleum Natural Gas Industries – Steel Pipe for Pipeline Transportation Systems	IS 1978 : 1982 IS 1979 : 1985	01st November, 2011

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref : MTD 19/T-8]

P. GHOSH, Sc, 'F' & Head (MTD)

नई दिल्ली, 24 अगस्त, 2011

का. आ. 2492.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिए गया है वह स्थापित हो गया है :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 13778 (भाग 1) : 2011 कुंडलन तारें – परीक्षण पद्धतियाँ भाग 1 सामान्य (पहला पुनरीक्षण)	—	24-08-2011

इस भारतीय मानक की एक प्रति भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002; क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में विक्री हेतु उपलब्ध हैं।

[संदर्भ : ईटी 33/टी-104]

आर. के. त्रेहन, वैज्ञानिक 'ई' एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 24th August, 2011

S.O. 2492.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standard Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. & Year of the Indian Standards Established	No. & year of Indian Standards if any, superseded by the New Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1.	IS 13778 (Part 1) : 2011 Winding Wires – Test Methods Part 1 General (First Revision)	—	24-08-2011

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: ET 33/T-104]

R. K. TREHAN, Scientist 'E' & Head (Electrotechnical)

नई दिल्ली, 24 अगस्त, 2011

का. आ. 2493.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 2330 : 2011/आई एस ओ 8494 : 1998 धात्विक सामग्री – नलिका – फलैजिंग परीक्षण (दूसरा परीक्षण)	आई एस 2330 : 1986	31 जुलाई, 2011
2.	आई एस 6885 (भाग 4) : 2011/आई एस ओ 4545-4 : 2005 धात्विक सामग्री – नूप कठोरता परीक्षण – भाग 4 कठोरता माप की सारणी (पहला परीक्षण)	—	30 जून, 2011

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं ।

[संदर्भ : एमटीडी 3/टी-72 और 77]

पी. घोष, वैज्ञानिक 'एफ' एवं प्रमुख (एमटीडी)

New Delhi, the 24th August, 2011

S.O. 2493.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standard Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. & Year of the Indian Standards Established	No. & year of Indian Standards if any, Superseded by the New Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1.	IS 2330 : 2011/ISO 8494 : 1998 Metallic Materials – Tube – Flanging test (second revision)	IS 2330 : 1986	31st July, 2011
2.	IS 6885 (Part 4) : 2011/ISO 4545-4 : 2005 Metallic Materials – Knoop hardness test Part 4 Table of hardness values (first revision)	—	30th June, 2011

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: MTD 3/T-72 & 77]
P. GHOSH, Sc. 'F' & Head (MTD)

नई दिल्ली, 29 अगस्त, 2011

का. आ. 2494.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 5 के उप-विनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी गई तारीख से रद्द कर दिया गया है :—

अनुसूची

क्रम सं.	लाइसेंस संख्या	लाइसेंसधारी का नाम व पता	लाइसेंस के अंतर्गत वस्तु/ प्रक्रम सम्बद्ध भारतीय मानक का शीर्षक	रद्द करने की तिथि
(1)	(2)	(3)	(4)	(5)
1.	9254278	दुग्गल एन्टरप्राइसिज, जी. टी. रोड, बटाला, जिला भठिंडा, पंजाब	अपशिष्ट और संवातन के रेत के सांचों में ढले लोहे के स्पिगट और सॉकेट पाइप – फिटिंग और सहायकांग	08-06-2011

[सं. : सी एम डी/13 : 13]
पी. के. मुखोपाध्याय, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 29th August, 2011

S.O. 2494.—In pursuance of sub-regulation (6) of the Regulation 5 of the Bureau of Indian Standards (Certification) Regulations, 1988 of the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given below have been cancelled with effect from the date indicated against each :

SCHEDULE

Sl. No.	Licence No. CM/L-	Name & Address of the Licensee	Article/Process with relevant Indian Standards covered by the licence cancelled/suspended	Date of Cancellation
(1)	(2)	(3)	(4)	(5)
1.	9254278	M/s Dugal Enterprises, G T. Road, Batala, Distt. : Bhathinda, Punjab	Cast Iron/Ductile Iron Drainage Pipes and Pipe Fittings for Over Ground Non-Pressure Pipeline Socket and Spigot Series	08-06-2011

[No. CMD/13 : 13]

P. K. MUKHOPADHYAY, Scientist 'F' & Head

नई दिल्ली, 29 अगस्त, 2011

का. आ. 2495.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 4 के उप-विनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :—

अनुसूची

क्रम सं.	लाइसेंस संख्या	स्वीकृत करने की तिथि	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा. मा. संख्या	भाग अनु.	वर्ष	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	9841701	03-02-2011	भवानी इण्डस्ट्रीज लि., अजनाली जी. टी. रोड, फतेहगढ़ साहिब, मण्डीगोबिन्दगढ़, पंजाब	पतली भित्ति वाले नम्य शीघ्र कपलिंग पाइप	11722			1986
2.	9845103	24-02-2011	बरजर पेन्ट इंडिया लिमिटेड, सिडको इण्डस्ट्रीयल ग्रोथ सेन्टर, साम्बा, जम्मू	संश्लिष्ट इनेमल (क) अधः लेपन (ख) फिनिशिंग	2932			2003
3.	9845507	03-03-2011	आनन्द परफ्यूमरी, 673, इण्डस्ट्रीयल एरिया, फेज 2, चण्डीगढ़	संचायक बैटरियों के लिए जल	1069			1993
4.	9845709	07-03-2011	दिव्या मिनरल्स, गांव रेल माजरा, मैक्स इंडिया के पास, तहसील बलाचौर, नवोशहर, शहीद भगत सिंह नगर, पंजाब	पैकेजबंद पेय जल	14543			2004
5.	9848816	21-03-2011	आर. एम. एक्सपोर्ट्स, 72-73, गुलाब सिंह नगर, इण्डस्ट्रीयल अस्टेट के पीछे, जालन्धर	वैल्टिंग के लिये रबड़ होज	447			1988

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
6.	9851401	20-04-2011	वाई. के. एम. बोटलिंग क. प्रा. लि., 691, इण्डस्ट्रीयल एरिया, फेज-1, चण्डीगढ़	पैकेजबंद पेय जल	14543			2004
7.	9851704	01-04-2011	रैना फूड प्रोडक्ट्स, खंडवाला, पी. ओ. सिम्बल, जम्मू, जे. एंड के.	पैकेजबंद पेय जल	14543			2004
8.	9852706	05-04-2011	आर. एम. एक्सपोर्ट्स, 72-73, गुलाब सिंह नगर, इण्डस्ट्रीयल अस्टेट के पीछे, जालन्धर	रबड़ वायु होज	446			1987
9.	9852807	06-04-2011	अग्रवाल स्टील रोलिंग मिल्स, मेन रोड, सिडको इण्डस्ट्रीयल काम्पलैक्स, बरी ब्रह्मण, जम्मू	सामान्य प्रयोजन हेतु स्टील	2062			2006
10.	9852908	06-04-2011	के. सी. सोनी एण्ड सन्स स्टील प्राइवेट लि., गाँव हरबंसपुरा, तहसील सरहिन्द, आर. आई. एम. टी. इंजीनियरिंग कालेज के पास, फतेहगढ़ साहिब, मण्डीगोबिन्दगढ़	इस्पात के पाइप, नलिकायें तथा पिटवां इस्पात की फिटिंग भाग 1, इस्पात के पाइप	1239			2004
11.	9853607	01-04-2011	ग्रेन्ड इण्डस्ट्रीज, डी 72, फेज-5, फोकल प्वाइंट, लुधियाना	थर्मोप्लास्टिक होज (टैक्सटाइल रिइनफोर्सड) पानी के लिये सामान्य प्रयोजन हेतु	12585			1988
12.	9858920	25-04-2011	विश्वास मिल्क प्रोडक्ट प्रा. लि., मजीठा रोड, अमृतसर, फतेहगढ़ चूरिया, पंजाब	मलाईरहित दूध पाउडर भाग-1 स्टैंडर्ड ग्रेड	13334	1		1998
13.	9859114	11-05-2011	पायनियर पेस्ट्रीसाइड्स प्रा. लि., इण्डस्ट्रीयल ग्रोथ सैन्टर, साम्बा, जम्मू	प्रोपीकोनाजोल	15182			2002
14.	9859619	12-05-2011	मुनीश फोर्ज प्रा. लिमिटेड, गाँव गोबिन्दगढ़, फेज 7 के साथ, फोकल प्वाइंट, लुधियाना, पंजाब	संरचना उपयोग के लिए इस्पात के खोखले सेक्शन	4923			1997
15.	9860095	18-05-2011	दोआबा फूड लिमिटेड, जी. टी. रोड, फतेहगढ़ साहिब, मण्डीगोबिन्दगढ़, पंजाब	पैकेजबंद पेयजल	14543			2004

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
16.	9863206	03-05-2011	चाणक्य डेयरी प्रोडक्ट्स लि., प्लॉट नं. 4, 5 और 6, फोकल प्वाइंट, फतेहगढ़ साहिब, मण्डीगोबिन्दगढ़, पंजाब	दूध पाउडर	1165			2002
17.	9864713	31-05-2011	रैना इण्डस्ट्रीज, कच्चा पाहा, जगतपुरा रोड, संगरूरसुनाम, पंजाब	घरेलू प्रेशर कुकर	2347			2006
18.	9866111	23-05-2011	राजधानी पेट्रो कैंमीकल, फेज 1, जम्मू, साम्बा, जे. एण्ड के.	क्लोरोपायरिफॉस ई सी	8944			1978
19.	9866212	09-06-2011	बंसल इस्पात उद्योग, जी. टी. रोड, सरहिन्द साईड मण्डीगोबिन्दगढ़, तहसील अमलोह, फतेहगढ़ साहिब, पंजाब	कंक्रीट प्रबलन के लिए उच्च सामर्थ्य की विरूपित इस्पात छड़े और तारें	1786			2008
20.	9867517	14-06-2011	जे. बी. जे. टी. ट्रेडर्स, सनो एगो के पास, खडियाल रोड, संगरूर, सुनाम, पंजाब	घरेलू प्रेशर कुकर	2347			2006
21.	9868822	14-06-2011	अमन एगो इण्डस्ट्रीज, बी-XXII ई 14/2208, डाइंग काम्पलैक्स, ओसवाल डाइंग बहादुर के रोड के पास, लुधियाना, पंजाब	फसल संरक्षण उपस्कर — हस्त चालित पीठ पर लादा जाने वाला पिस्टन टाइप	3906			1995
22.	9869824	17-06-2011	गुडविल एगोटैक, 12, 13 वरियाना, इण्डस्ट्रीयल काम्पलैक्स, ब्लॉक-21, इथर काम्पलैक्स रोड, जालन्धर, पंजाब	फसल संरक्षण उपस्कर — हस्त चालित पीठ पर लादा जाने वाला पिस्टन टाइप	3906			1995
23.	9870001	20-06-2011	क्रॉप कैंमीकल इंडिया लि., सी 63- 65, फोकल प्वाइंट, फरीदकोट, कोटकपुरा, पंजाब	प्रोपीकॉनाजोल	15182			2002
24.	9871508	22-06-2011	धर्म इंजीनियरिंग कम्पनी, जी. टी. रोड, गुरदासपुर, बटाला, पंजाब	जल गैस और मल जल के लिए अपकेन्द्री स्पन तन्व लोहे के दाब	8329			2000
25.	9873714	20-06-2011	जे. एम. डब्ल्यू. प्रा. लि., सिडको काम्पलैक्स के पास, बरी ब्रह्मण, साम्बा, जम्मू, जे. एंड के.	तांबे की पत्ती बिजली के प्रयोग हेतु	1897			2008

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
26.	9874514	18-07-2011	बी. आर. एग्रोटैक लि., इण्डस्ट्रीयल एरिया, सिडको, जम्मू एवं काश्मीर	अल्फासाइपरमेथरिन डब्ल्यू पी	15603			2005

[सं. : सी एम डी/13 : 11]

पी. के. मुखोपाध्याय, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 29th August, 2011

S.O. 2495.—In pursuance of sub-regulation (5) of Regulation 4 of the Bureau of Indian Standards (Certification) Regulations, 1988 of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following Schedule :

SCHEDULE

Sl. No.	Licence No.	Grant Date	Name and Address of the Party	Title of the Standard	IS No.	Part	Section	Year
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	9841701	3-2-2011	M/s Bhawani Industries Ltd., Ajnali, G T. Road, Mandigobindgarh, Distt : Fatehgarh Sahib, Punjab	Thin walled flexible quick coupling pipes	11722			1986
2.	9845103	24-02-2011	M/s Berger Paints India Limited, SIDCO Industrial Growth Center, Samba Distt. : Jammu, J&K	Enamel, Synthetic, Exterior : (a) Under-coating (b) Finishing	2932			2003
3.	9845507	03-03-11	M/s Anand Perfumery, 673, Indl. Area, Phase-II, Chandigarh-160002	Quality Tolerances for Water 1069 for Storage Batteries	1069			1993
4.	9845709	07-03-11	M/s Divya Minerals, Village Rail Majra, Near Maxindia, Teh Balachor Saheed Bhagat Singh Nagar Distt. : Nawashahar, Punjab	Packaged Drinking Water	14543			2004
5.	9848816	21-03-11	M/s R. M. Exports, 72-73, Gulab Singh Nagar, Behind Industrial Estate Distt. : Jalandhar, Punjab	Rubber hose for welding	447			1988
6.	9851401	20-4-11	M/s YKM Bottling Company Pvt. Ltd., 691, Industrial Area, Phase-I, Distt. : Chandigarh-160002	Packaged Drinking Water	14543			2004
7.	9851704	01-04-11	M/s Raina Food Products, Khandwal P.O. Simbol, Jammu Distt. : Jammu, J&K	Packaged Drinking Water	14543			2004

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
8.	9852706	05-04-11	M/s R. M. Exports, 72-73, Gulab Singh Nagar, Behind Industrial Estate, Distt. : Jalandhar, Punjab	Rubber air hose	446			1987
9.	9852807	06-04-11	M/s Aggarwal Steel Rolling Mills, Main Road, SIDCO Industrial Complex, Bari Brahmana Distt. : Jammu, J&K	For General Structural Purpose	2062			2006
10.	9852908	06-04-11	M/s K. C. Soni & Sons, Steels Private Limited, Village Harbanspura Tehsil Sirhind, Near RIMT Engineering College, Mandi Gobindgarh Distt. : Fatehgarh Sahib, Punjab-147301	Mild Steel Tubes Tubulars and Other Wrought Steel Fittings Part-1	1239			2004
11.	9853607	01-04-11	M/s Grand Industries, D-72, Phase-5, Focal Point, Distt. : Ludhiana, Punjab	Thermoplastic Hoses (Textile Reinforced) for Water – General Purpose	12585			1988
12.	9858920	25-04-11	M/s Vishwas Milk Products Pvt. Ltd., Majitha Road, Fatehgarh Churian, Distt : Amritsar, Punjab	Skimmed Milk Powder Part 1	13334			1989
13.	9859114	11-5-11	M/s Pioneer Pesticides Pvt. Ltd., Industrial Growth Centre, Samba Distt. : Jammu, J&K	Propiconazole	15182			2002
14.	9859619	12-5-11	M/s Munish Forge Private Limited, Village Gobindgarh, Adjoining Phase-VII, Focal Point Distt. : Ludhiana, Punjab	Hollow steel sections for structural use	4923			1997
15.	9860095	18-05-11	M/s Doaba Foods Ltd., G.T. Road, Mandi Gobindgarh Distt. : Fatehgarh Sahib, Punjab	Packaged Drinking Water	14543			2004
16.	9863206	03-05-11	M/s Chanakya Dairy Products Ltd., Plot No. 4, 5, 6, Focal Point, Mandi Gobindgarh, Distt. : Fatehgarh Sahib, Punjab-147301	Milk Powder	1165			2002

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
17.	9864713	31-05-11	M/s Raina Industries Kacha Paha Jagatpura Road, Sunam Distt. Sangrur, Punjab	Domestic Pressure Cookers	2347			2006
18.	9866111	23-05-11	M/s Rajdhani Petro Chemical Phase I, IGC, Samba Distt. : Jammu, J&K	Chlorpyrifos Emulsi- fiable Concentrates	8944			1978
19.	9866212	09-06-11	M/s. Bansal Ispat Udyog, G T. Road Sirhind Side, Mandi Gobindgarh Tehsil Arnloh Distt. : Fatehgarh Sahib, Punjab	High strength deformed steel bars and wires for concrete reinforcement	1786			2008
20.	9867517	14-06-11	M/s J.B.J.T. Traders, Near Snow Agro, Khadial Road, Sunam Distt. : Sangrur, Punjab	Domestic Pressure Cookers	2347			2006
21.	9868822	14-06-11	M/s Aman Agro Industries, B-XXII, E-14/2208, Dying Complex, Near Oswal Dying Bahadur K. Road, Distt. : Ludhiana, Punjab	Crop Protection Equip- ment Hand-operated Knapsack Sprayer Piston Type	3906			1995
22.	9869824	17-06-11	M/s Goodwill Agrotech, 12, 13 Waryana Industrial Complex, Block-2, Leather Complex Road Distt. : Jalandhar, Punjab	Crop Protection Equipment Hand- operated Knapsack Sprayer Piston Type	3906			1995
23.	9870001	20-06-11	M/s Crop Chemicals India Ltd., C-63-65, Focal Point Kotkapura Distt. : Faridkot, Punjab	Propiconazole	15182			2002
24.	9871508	22-06-11	M/s Dharam Engineering Company, G T. Road, Batala Distt. : Gurdaspur, Punjab	Centrifugally Cast (Spun) Ductile Iron Pressure Pipes for Water Gas and Sewage	8329			2000
25.	9873714	20-06-11	M/s JMW India Pvt. Ltd., Near SIDCO Complex, Bari Brahmana, Distt. : Jammu, J&K-181133	Copper strip for electrical purposes	1897			2008
26.	9874514	18-07-11	M/s B. R. Agrotech Ltd., Industrial Area, SIDCO Kathua Distt. : Jammu and Kashmir-184101	Alphacypermethrin, WP	15603			2005

नई दिल्ली, 30 अगस्त, 2011

का. आ. 2496.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
1.	आई एस 6016:2009/आई एस ओ : 3253 : 1998 गैस वेल्डिंग उपस्कर—वेल्डिंग, कटिंग और संबद्ध प्रक्रियाओं के लिए होज कनेक्शन (दूसरा पुनरीक्षण)	आई एस 6016 : 1982 (पहला पुनरीक्षण)	31 अगस्त, 2011

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में विक्री हेतु उपलब्ध हैं।

[संदर्भ : एमटीडी 11/टी-5]

पी. घोष, वैज्ञानिक 'एफ' एवं प्रमुख (एमटीडी)

New Delhi, the 30th August, 2011

S.O. 2496.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standard Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No., Title & Year of the Indian Standards Established	No. & year of Indian Standards if any, Superseded by the New Indian Standard	Date of Establishment
1.	IS 6016 : 2009/ISO 3253 : 1998 Gas welding equipment—Hose connections for equipment for welding, cutting and allied processess (Second revision)	IS 6016 : 1982 (first revision)	31st August, 2011

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref : MTD 11/T-5]

P. GHOSH, Sc. 'F' & Head (MTD)

नई दिल्ली, 2 सितम्बर, 2011

का. आ. 2497.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक (कों) में संशोधन किया गया/किये गये हैं :—

अनुसूची

क्र.सं.	स्थापित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
1.	आई एस 5878 (भाग 5) : 1976 जलवाहक सुरंगों के निर्माण की रीति संहिता : भाग 5 कंक्रीट लाइनिंग (पहला पुनरीक्षण)	संशोधन संख्या 1 जनवरी 2008	31 जनवरी, 2008
2.	आई एस 5878 (भाग 7) : 1972 जलवाहक सुरंगों के निर्माण की रीति संहिता : भाग 7 ग्राउटिंग	संशोधन संख्या 2 जनवरी 2008	31 जनवरी, 2008

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : डब्ल्यू आर डी 14/टी-15 और टी-17]

जे. सी. अरोड़ा, वैज्ञ. 'एफ' एवं प्रमुख (जल संसाधन विभाग)

New Delhi, the 2nd September, 2011

S.O. 2497.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standard Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No., Title and Year of the Amended Indian Standards	No. & Year of the amendment	Date from which the amendment shall have effect
1.	IS 5878 (Part 5) : 1976 Code of practice for construction of tunnels conveying water : Part 5 Concrete lining (First revision)	Amendment No. 1 January 2008	31-1-2008
2.	IS 5878 (Part 7) : 1972 Code of practice for construction of tunnels conveying water : Part Grouting	Amendment No. 2 January 2008	31-1-2008

Copies of these amendments are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: WRD 14/T-15 & T-17]

J. C. ARORA, Sc 'F' & Head (Water Resources Deptt.)

नई दिल्ली, 5 सितम्बर, 2011

का. आ. 2498.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम (4) के उप-विनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसें के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :—

अनुसूची

क्रम सं.	लाइसेंस संख्या	स्वीकृत करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा मा संख्या	भाग	अनुभाग	वर्ष
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	L-9872510	6-7-2011	मै. लोटस कॉर्पोरेशन इण्डिया प्रा. लि., प्लॉट नं. 2, नाहरपुर रूपा, नियर अनाज मण्डी चौक, जिला गुडगांव (हरियाणा)	पैकेजबन्द पेय जल (पैकेजबन्द प्राकृति मिनरल जल के अलावा)	14543	—	—	2004
2.	L-9874110	18-7-2011	मै. टोयो फेरस ब्रीट प्रा.लि., निकट शिव मंदिर, गांव सरूरपुर, सोहना रोड, जिला फरीदाबाद (हरियाणा)	सिरेमिक टाइल्स और पच्चीकारी में प्रयुक्त आसंजक	15477	—	—	2004
3.	L-9874716	22-7-2011	मै. आर के जी इण्डस्ट्रीज, पलवल अलावलपुर रोड, गांव खजूरका, सिटी पलवल, जिला पलवल (हरियाणा)	पैकेजबन्द पेय जल (पैकेजबन्द प्राकृति मिनरल जल के अलावा)	14543	—	—	2004
4.	L-9874918	25-7-2011	मै. अरविन्द इण्डस्ट्रीज, खसरा नं. 235/1/2, बी पी ओ-जटौली, नियर खण्डेवलामोड़, सिटी पटौदी, जिला गुडगांव-122504 (हरियाणा)	पैकेजबन्द पेय जल (पैकेजबन्द प्राकृति मिनरल जल के अलावा)	14543	—	—	2004
5.	L-9875819	26-7-2011	मै. स्टैण्डर्ड फायर सोल्यूशन, ई 54, संजय कालौनी, सेक्टर-23, जिला फरीदाबाद-121004 (हरियाणा)	सुवाहय अग्नि शामक, शुष्क पाउडर टाइप (भंडारित दाब)	13849	—	—	1993
6.	L-9876821	29-7-2011	मै. पी सी ज्वैलर्स प्रा.लि., 10ए, नेहरू ग्राउंड, एन आई टी, जिला फरीदाबाद-121001 (हरियाणा)	चांदी एवं चांदी मिश्रधातु आभूषण/शिल्प वस्तुएं महीनता एवं मुहरांकन	2112	—	—	2003

[सं. सीएमडी/13 : 11]

एम. सदाशिवम, वैज्ञानिक 'एफ' एवं प्रमुख (एफ. डी. ओ.)

New Delhi, the 5th September, 2011

S.O. 2498.—In pursuance of sub-regulation (5) of the Regulation 4 of the Bureau of Indian Standards (Certification) Regulations, 1988 of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following Schedule :

SCHEDULE

Sl. No.	Licence No.	Grant Date	Name and Address of the Party	Title of the Standard	IS No.	Part	Section	Year
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	L-9872510	6-7-2011	M/s. Lotus Commercial India Pvt. Ltd., Plot No. 2, Naharpur Rupa, Near Anaaz Mandi Chowk, District Gurgaon (Haryana)	Packaged Drinking Water (Other than Packaged Natural Mineral Water)	14543	—	—	2004
2.	L-9874110	18-7-2011	M/s. Toyo Ferrous Crete Pvt. Ltd., Near Shiv Mandir, Village Saroorpur, Sohna Road, Distt. Faridabad (Haryana)	Adhesives for use with Ceramic Tiles and Mosaics	15477	—	—	2004
3.	L-9874716	22-7-2011	M/s. RKG Industries, Palwal-Alawalpur Road, Village Khajurka, City Palwal, Distt. Palwal (Haryana)	Packaged Drinking Water (Other than Packaged Natural Mineral Water)	14543	—	—	2004
4.	L-9874918	25-7-2011	M/s. Arvind Industries, Khasra No. 235/1/2, V.P.O.-Jatauli, Near Khandewlamore, City Pataudi, Distt. Gurgaon-122504 (Haryana)	Packaged Drinking Water, (Other than Packaged Natural Mineral Water)	14543	—	—	2004
5.	L-9875819	26-7-2011	M/s. Standard Fire Solution E-54, Sanjay Colony, Sector-23, Distt. Faridabad-121004 (Haryana)	Portable Fire Extinguisher dry powder type (Constant Pessure)	13849	—	—	1993
6.	L-9876821	29-7-2011	M/s.P.C. Jewellers Pvt. Ltd. 10-A, Nehru Ground, N.I.T., Distt. Faridabad-121001 (Haryana)	Silver & Silver Alloys Jewellery/Artefacts-Fineness and Marking	2112	—	—	2003

नई दिल्ली, 5 सितम्बर, 2011

का. आ. 2499.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 4 के उप-विनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिनके विवरण नीचे अनुसूची में दिए गए हैं, को लाइसेंस प्रदान किए गए हैं :—

अनुसूची

क्रम सं.	लाइसेंस संख्या	स्वीकृत करने की तिथि/ वर्ष/माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा. मा. संख्या	भाग	अनुभाग	वर्ष
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	3747877	3-8-2011	कैप्टन पाइप प्रा. लि., सर्वे नं. 257, प्लॉट नं. 23 से 28, एन एच-8बी, शापर (वैरावल), तालुका-कोटदा संगानी, राजकोट, गुजरात-360002	पेयजल आपूर्ति के लिए अप्लास्टिक पीवीसी पाइप	आई एस 4985	—	—	2000
2.	3748071	4-8-2011	राजकृपाल इक्जीम प्रा.लि., सर्वे नं. 1/1, प्लॉट नं. 5, एन एच-8ए, ग्राम वरसाना, तालुका अंजार, जिला-कच्छ, गुजरात	सामान्य प्रयोजनों के लिए प्लाईवुड	आई एस 303	—	—	1989
3.	3748576	8-8-2011	शिवालिक पम्पस, के-1/49, रोड डी, आजी, जीआईडीसी, राजकोट-360003	सबमर्सिबल पम्पसेट्स	आई एस 8034	—	—	2002
4.	3749073	9-8-2011	किरलोस्कर ऑयल इंजीनर्स लि., प्लॉट नं. 2315/16, 2330/31, जीआईडीसी, लोधिका इंडस्ट्रियल इस्टेट, अलमाईटी गेट, रोड डी-4, ग्राम मेटोदा, राजकोट, गुजरात-360021	सामान्य प्रयोजनों के लिए समगति संपीडन प्रज्वलन (डीजल) इंजन की कार्यकारिता अपेक्षाएं	आई एस 10001	1	—	1981
5.	3748778	9-8-2011	बालाजी इलेक्ट्रिकल्स, परमेश्वर सोसाइटी, डेवर रोड, अटीका(द), राजकोट-360002	एक फेजी छोटे एसी और यूनीवर्सल बिजली की मोटर	आई एस 996	—	—	2009
6.	3749982	10-8-2011	अस्पी पाइप इंडस्ट्रीज प्लॉट नं. 115/116, लथी रोड, बाईपास चोकड़ी, बालाजी इंडस्ट्रीज के पीछे, अमरेली, गुजरात-365601	पेयजल आपूर्ति हेतु उच्च घनत्व पॉली-इथाइलीन पाइप	आई एस 4984	—	—	1995
7.	3749275	9-8-2011	परफेक्ट पॉलीमर्स, जीआईडीसी II, प्लॉट नं. 319/ए, सबलपुर, जिला-जूनागढ़, गुजरात	सिंचाई उपस्कर-सिंक्रलर पाइप-विसिष्ट भाग I, पालीएथिलीन पाइप	आई एस 14151	1	—	1999

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
8.	3750967	16-8-2011	परफेक्ट पॉलीमर्स, जीआईडीसी II, प्लॉट नं. 319/ए, सबलपुर, जिला-जुनागढ़, गुजरात	सिचाई उपस्कर- स्प्रिंकलर पाइप-विशिष्ट सहज संयोजी पालीएथिलीन पाइप तथा फिटिंग्स	आई एस 14151	2	—	1999
9.	3751868	17-8-2011	तिरुपती ड्रिंकिंग वाटर; प्लॉट नं. 71, सर्वे नं. 1/1, ग्राम मोरगार, तालुका भचाड, जिला कच्छ, गुजरात-370140	बोतलबंद पानी (प्राकृतिक खनिज पदार्थ के अतिरिक्त जल)	आई एस 14543	—	—	2004
10.	3751969	17-8-2011	राजकृपाल इक्जीम प्रा. लि., सर्वे नं. 1/1, प्लॉट नं. 5, एन एच 8-ए, ग्राम वरसाना, तालुका अंजार, जिला कच्छ, गुजरात	समुद्री उपयोग के लिए प्लाईवुड	आई एस 710	—	—	1976
11.	3752466	18-8-2011	लक्ष्मी प्लाईवुड इंडस्ट्रीज, सर्वे नं. 112/2, ग्राम वेसामेदी, तालुका अंजार, जिला कच्छ, गुजरात-370110	ब्लॉक बोर्ड	आई एस 1659	—	—	2004
12.	3752567	18-8-2011	लक्ष्मी प्लाईवुड इंडस्ट्रीज, सर्वे नं. 112/2, ग्राम वेसामेदी, तालुका अंजार, जिला कच्छ, गुजरात-370110	लकड़ी के सपाट दरवाजे के शटर (ठोस कोर टाइप) भाग 1 प्लाईवुड के सतह- युक्त पल्ले	आई एस 2202	1	—	1999
13.	3752668	18-8-2011	लक्ष्मी प्लाईवुड इंडस्ट्रीज, सर्वे नं. 112/2, ग्राम वेसामेदी, तालुका अंजार, जिला कच्छ, गुजरात-370110	सामान्य प्रयोजनों के लिए प्लाईवुड	आई एस 303	—	—	1989
14.	3754672	26-8-2011	जुनागढ़ डेयरी (मदर डेयरी प्रा. लि. का एक यूनिट), जफर मैदान, जुनागढ़, गांधीधाम, गुजरात-362001	मलाई रहित दूध-विशिष्ट भाग 2, अतिरिक्त ग्रेड	आई एस 13334	2	—	1992
15.	3753367	24-8-2011	रिलायबल बिटुमिन, प्लॉट नं. 45, 46, 47, 48, रिवेन्यु सर्वे नं. 19, ग्राम धिचदा, बीदेश्वर, जामनगर, गुजरात-361002	बिटुमिन के लिए ड्रम	आई एस 3575	—	—	1993
16.	3753468	24-8-2011	पुष्टि ज्वेलर्स, मतवा स्ट्रीट, जेतपुर, जिला राजकोट, गुजरात-360370	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन- विशिष्ट	आई एस 1417	—	—	1999

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
17.	3753569	24-8-2011	राज ज्वेलर्स, राजकिरण, 20, न्यू जगन्नाथ प्लॉट, राजकोट-360001	स्वर्ण एवं स्वर्ण मिश्रधातुएं आई एस आभूषण/शिल्पकारी शुद्धता 1417 एवं मुहरांकन-विशिष्ट	—	—		1999
18.	3753670	24-8-2011	राजदीप ज्वेलर्स, 4, नगरपालिका, शॉपिंग सेंटर-1, भचाउ, जिला कच्छ, गुजरात-370230	स्वर्ण एवं स्वर्ण मिश्रधातुएं आई एस आभूषण/शिल्पकारी शुद्धता 1417 एवं मुहरांकन-विशिष्ट	—	—		1999
19.	3754369	25-8-2011	एक्वेस्ट कांटो सिलेन्डर लि., प्लॉट नं. 525 से 542, 618, 619, 627 एवं 628, सेक्टर न्यू एक्सटेंडेड एरिया, कांडला विशेष आर्थिक क्षेत्र (कासेज), गांधी धाम, जिला कच्छ, गुजरात-370 230	वाहनों के लिए ईंधन के रूप में संपीड़ित प्राकृतिक गैस के ऑन-बोर्ड भंडारण के लिए सिलेन्डर- विशिष्ट	आई एस 15490	—	—	2004
20.	3754470	25-8-2011	यूरो इंडिया सिलेन्डर लि., प्लॉट नं. 588-617, न्यू एरिया, कांडला विशेष आर्थिक क्षेत्र (कासेज), गांधीधाम, जिला कच्छ, गुजरात-370230	वाहनों के लिए ईंधन के रूप में संपीड़ित प्राकृतिक गैस के ऑन-बोर्ड भंडारण के लिए सिलेन्डर- विशिष्ट	आई एस 15490	—	—	2004
21.	3754773	26-8-2011	जैन इंटीग्रेशन सिस्टम लि., सर्वे नं. 215, पोस्ट घंगाली, तालुका-शिहोर, जिला-भावनगर, गुजरात-364240	सिंचाई उपस्कर- स्प्रिंकलर पाइप-विशिष्ट भाग 2 सहज संयोजी पालीएथिलीन पाइप तथा फिटिंग्स	आई एस 14151	2	—	1999
22.	3755068	29-8-2011	योगेन्द्र केमिकल्स, दरबारी चौक के समीप, पोस्ट पाटदी, जिला-सुरेन्द्रनगर, गुजरात-382765	आयोडीन युक्त नमक	आई एस 7224	—	—	2006

[सं. सीएमडी/13 : 11]

एम. राधाकृष्ण, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 5th September, 2011

S.O. 2499.—In pursuance of sub-regulation (5) of Regulation 4 of the Bureau of Indian Standards (Certification) Regulations, 1988 of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given below in the following Schedule :

SCHEDULE

Sl. No.	Licence No.	Grant Date	Name and Address of the Party	Title of the Standard	IS No.	Part	Section	Year
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	3747877	3-8-2011	Captain Pipes Pvt. Ltd. Survey No. 257, Plot Nos. 23 to 28, NH-8B, Shapar (Veraval), Taluka-Kotda Sangani, Rajkot-360002	Unplasticized PVC pipes for potable water supplies	IS 4985	—	—	2000

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
2.	3748071	4-8-2011	Rajkripal Exim Private Limited, Survey No. 1/1, Plot No. 5, N.H. 8-A, Village Varsana, Taluka Anjar, District Kachchh, Gujarat	Plywood for general purposes	IS 303	-	-	1989
3.	3748576	8-8-2011	Shivalik Pumps, K-1/49, Road D, AJI GIDC, Rajkot-360003	Submersible pumpsets	IS 8034	-	-	2002
4.	3749073	9-8-2011	Kirloskar Oil Engines Ltd., Plot No. 2315/16, 2330/31, G.I.D.C. Lodhika Industrial Estate, Almighty Gate, Road D-4, Village Metoda, District, Rajkot, Gujarat-360021	Performance requirements for constant speed compression ignition (diesel) engines for general purposes (up to 20 kw)	IS 10001	1	-	1981
5.	3748778	9-8-2011	Balaji Electricals, Parmeshwar Society, Dhebar Road, Atika (South), Rajkot-360002	Single-phase small ac and universal electric motors	IS 996	-	-	2009
6.	3749982	10-8-2011	ASPI Pipe Industries, Plot No. 115/116, Lathi Road, Bypass Chokadi, B/H Balaji Industries, Amreli, Gujarat-365601	High density polyethylene pipes for potable water supplies	IS 4984	-	-	1995
7.	3749275	9-8-2011	Perfect Polymers, GIDC-II, Plot No. 319/A, At : Sabalpur, Distt. Junagadh, Gujarat	Irrigation equipment- sprinkler pipes- Part 1 : polyethylene pipes	IS 14151	1	-	1999
8.	3750967	16-8-2011	Perfect Polymers, GIDC-II, Plot No. 319/A, At : Sabalpur, Distt. Junagadh, Gujarat	Irrigation equipment- sprinkler pipes- Part 2 : quick coupled polyethylene pipes	IS 14151	2	-	1999
9.	3751868	17-8-2011	Tirupati Drinking Water, Plot No. 71, Survey No. 1/1, Village Morgar, Taluka Bhachau, District Kachchh, Gujarat-370140	Packaged drinking water (other than packaged natural mineral water)	IS 14543	-	-	2004
10.	3751969	17-8-2011	Rajkripal Exim. Private Limited, Survey No. 1/1, Plot No. 5, N.H. 8-A, Village Varsana, Taluka Anjar, District Kachchh, Gujarat	Marine plywood	IS 710	-	-	1976

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
11.	3752466	18-8-2011	Laxmi Plywood Industries, Survey No. 112/2, Village Versamedi, Taluka Anjar, District Kachchh, Gujarat-370110	Block boards	IS 1659	-	-	2004
12.	3752567	18-8-2011	Laxmi Plywood Industries, Survey No. 112/2, Village Versamedi Taluka Anjar, District Kachchh, Gujarat-370110	Wooden flush door shutters (solid core type) : part 1 plywood face panels	IS 2202	1	-	1999
13.	3752668	18-8-2011	Laxmi Plywood Industries, Survey No. 112/2, Village Versamedi Taluka Anjar, District Kachchh, Gujarat-370110	Plywood for general purposes	IS 303	-	-	1989
14.	3754672	26-8-2011	Junagadh Dairy (A Unit of Mother Dairy Fruits & Vegetables Pvt. Ltd.) Near Jaffer Maidan, Gandhigram, District-Junagadh, Gujarat-362001	Skim milk powder—Part 2 : extra grade	IS 13334	2	-	2000
15.	3753367	24-8-2011	Reliable Bitumen, Plot No. 45, 46, 47, 48, Revenue Survey No. 19, Village Dhinchda, Jamnagar Bedeshwar, District Jamnagar, Gujarat-361002	Bitumen drums	IS 3575	-	-	1993
16.	3753468	24-8-2011	Pusti Jewellers, Matva Street, Jetpur, District : Rajkot, Gujarat-360370	Gold and gold alloys, Jewellery/artefacts-fineness and marking	IS 1417	-	-	1999
17.	3753569	24-8-2011	Raj Jewellers, Rajkiran, 20, New Jagnath Plot, Rajkot-360001	Gold and gold alloys, Jewellery/artefacts-fineness and marking	IS 1417	-	-	1999
18.	3753670	24-8-2011	Rajdeep Jewellers, 4, Nagarpalika, Shoping Center-1, Bhachau, District Kachchh, Gujarat-370140	Gold and gold alloys, Jewellery/artefacts-fineness and marking	IS 1417	-	-	1999
19.	3754369	25-8-2011	Everest Kanto Cylinder Limited, Plot No. 525 to 542, 618, 619, 627 & 628, Sector New Extended Area, Kandla Special Economic Zone (Kasez), Gandhidham, District Kachchh, Gujarat-370230	Cylinders for on-board storage of compressed natural gas as a fuel for automotive vehicles	IS 15490	-	-	2004

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
20.	3754470	25-8-2011	Euro India Cylinders Limited, Plot No. 588-617, New Area, Kandla Special Economic Zone Kasez, Gandhidham, District Kachchh, Gujarat-370230	Cylinders for on-board storage of compressed natural gas as a fuel for automotive vehicles	IS 15490	-	-	2004
21.	3754773	26-8-2011	Jain Irrigation System Ltd. Survey No. 215, At & PO Ghangali, Taluka-Sihor, District Bhavnagar, Gujarat-364240	Irrigation equipment- sprinkler pipes — part 2 : quick coupled poly-ethylene pipes	IS 14151	2	-	1999
22.	3755068	29-8-2011	Yogendra Chemicals near Darbari Chowk, Post Patdi, Surendranagar, Gujarat-382765	Iodized Salt	IS : 7224	-	-	2006

[No. CMD/13 : 11]

M. RADHAKRISHNA, Sc. 'F' & Head

नई दिल्ली, 5 सितम्बर, 2011

का. आ. 2500.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 5 के उप-विनियम 6 के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिनके विवरण नीचे अनुसूची में दिए गए हैं, को लाइसेंस रद्द किए गए हैं :—

अनुसूची

क्रम सं.	लाइसेंस संख्या	लाइसेंसधारी का नाम एवं पता	लाइसेंस के अंतर्गत वस्तु/प्रक्रम सम्बद्ध भारतीय मानक का शीर्षक	रद्दीकरण तिथि
1.	नहीं	नहीं	नहीं	नहीं

[सं. के प्र वि/13 : 11]

एम. राधाकृष्ण, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 5th September, 2011

S.O. 2500.—In pursuance of sub-regulation (6) of Regulation 5 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies the licences particulars of which are given below have been cancelled/suspended with effect from the date indicated against each :

SCHEDULE

Sl. No.	Licences No. CML-	Name and Address of the Licensee	Article/Process with relevant Indian Standards covered by the licence cancelled/suspension	Date of Cancellation
1.	No	No	No	No

[No. CMD/13 : 11]

M. RADHAKRISHNA, Sc. 'F' & Head

नई दिल्ली, 5 सितम्बर, 2011

का. आ. 2501.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 5 के उप-विनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे रद्द कर दिए गए हैं :—

अनुसूची

क्रम सं.	लाइसेंस संख्या	लाइसेंसधारी का नाम एवं पता	लाइसेंस के अंतर्गत वस्तु/प्रक्रम सम्बद्ध भारतीय मानक का शीर्षक	रद्द करने की तिथि
1.	0320725	विकी इलेक्ट्रॉनिक्स, प्लॉट सं. 92 सी, गवर्नमेंट इण्डस्ट्रियल इस्टेट, कांदिवली प., मुम्बई-400067	भा. मा. 694 : 1990 1100 वो. तक एवं सहित कार्यकारी वोल्टता के लिए पी वी सी रोधिक केबल	19-8-2011

[सं. के. प. वि./13 : 13]

एस. बी. रॉय, वैज्ञानिक 'एफ' एवं प्रमुख (एम डी एम-III)

New Delhi, the 5th September, 2011

S.O. 2501.—In pursuance of sub-regulation (6) of Regulation 5 of the Bureau of Indian Standards (Certification) Regulations, 1988, the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given in the following Schedule have been cancelled with effect from the date indicated against each :

SCHEDULE

Sl. No.	Licence No.	Name and Address of the licensee	Article/Process with relevant Indian Standard covered by the Licensee	Date of Cancellation
1.	0320725	Vicki Electronics, Plot No. 92-C, Govt. Industrial Estate, Kandivali (West), Mumbai-400067	IS 694 : 1990 PVC insulated cables for working voltages upto and including 1100 V.	19-8-2011

[No. CMD/13 : 13]

S.B. RAY, Scientist 'F' & Head (MDM-III)

नई दिल्ली, 5 सितम्बर, 2011

का. आ. 2502.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 4 के उप-विनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :—

अनुसूची

क्रम सं.	लाइसेंस संख्या	स्वीकृति करने की तिथि/वर्ष/माह	लाइसेंसधारी का नाम एवं पता	भारतीय मानक का शीर्षक	भा. मा. सं./भाग/खण्ड/वर्ष
(1)	(2)	(3)	(4)	(5)	(6)

1.	3748273	4-8-2011	ए टु जेड केबल सीइएन 218/4, महावीर वेलफेअर सोसायटी, खान हाउस, अजाद कंपाउंड, चारकोप, कांदिवली पश्चिम, मुम्बई-400067	पीवीसी रोधित (भारी ड्यूटी) विद्युत केबल : भाग 1, 1100 वोल्ट कार्यकारी वोल्टता तक व सहित के लिए	भा.मा. 1554 भाग 1 : 1988
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(1)	(2)	(3)	(4)	(5)	(6)
2	3750058	4-8-2011	सोनल अप्लायंसेस, सी-3, दोशी उद्योग नगर, बी.पी. एक्स, रोड सं. 5, भायंदर, (पूर्व), जिला थाणे-401105	बिजली के घरेलू खाद्य मिक्सर (द्रवीपरक और ग्राइन्डर)	भा.मा. 4250 : 1980
3.	3751161	12-8-2011	सिलवर इलेक्ट्रीकल, यूनिट सं. ए 107, पहला माला, वासुपूजा इस्टेट, लक्ष्मी नगर, गोरेगांव पश्चिम, मुंबई-400062	घरेलू और समान प्रयोजनों के लिए स्विचें	भा.मा. 3854 : 1997
4.	3752769	18-8-2011	नेचर एफिशिएंट इलेक्ट्रॉनिक्स प्रा.लि., गट सं. 19, प्लॉट सं. 1 से 5, भिवंडी वाडा रोड, विलेज कुठाल, थाने-421303	सामान्य प्रकाश सेवाओं के लिए स्वयं ब्लास्ट्स लैम्प भाग 2, निष्पादन अपेक्षाएं	भा.मा. 15111 (भाग 2) : 2002
5.	3752870	18-8-2011	के पटेल मेटल इंडस्ट्रीज प्रा.लि., 143, के एण्ड जे, अमलीया, दमण-396210 दामेल, दमन एवं दीव	वाईडिंग वायर-भाग 3, पॉलिस्टर इनेमिलित गोल तॉबा तार, वर्ग-155, श्रेणी 2, आकार 0.120 मिमी से 1.016 मिमी	भा.मा. 13730 (भाग 3) : 1996
6.	3753771	24-8-2011	कविता अप्लायंसेस, गाला सं. 9, स्टैण्डर्ड हाउस कंपाउन्ड, बैल बाजार, काले मार्ग, कुर्ला पश्चिम, मुंबई-400 070	बिजली के घरेलू खाद्य मिक्सर (द्रवीपरक और ग्राइन्डर)	भा.मा. 4250 : 1980

[सं. के. प्र. वि./13 : 11]

एस.बी. रॉय, वैज्ञानिक 'एफ' एवं प्रमुख (एम डी एम-III)

New Delhi, the 5th September, 2011

S.O. 2502.—In pursuance of sub-regulation (5) of Regulation 4 of the Bureau of Indian Standards (Certification) Regulations, 1988 of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given below in the following Schedule :

SCHEDULE

Sl. No.	Licence No.	Grant Date	Name and Address (factory) of the party	Product	IS No./Part/Sec./Year
(1)	(2)	(3)	(4)	(5)	(6)
1.	3748273	4-8-2011	A to Z Cable Cen 218/4, Mahihar Welfare Society, Khan House, Azad Compound, Charkop Kandivali-West, Mumbai-400067	PVC insulated (Heavy duty) electric cables : part 1 for working voltages upto and including 1100 V.	IS 1554 : Part 1 : 1988
2.	3750058	4-8-2011	Sonal Appliances, C-3, Doshi Udyog Nagar, B.P.X., Road No. 5, Bhayander (East) Thane-401105	Domestic electric food-mixers (liquidizers and grinders).	IS 4250 : 1980

(1)	(2)	(3)	(4)	(5)	
3.	3751161	12-8-2011	Silver Electricals Unit No. A-107, First Floor, Vasupuja Estate, Laxmi Nagar, Goregaon West, Mumbai-400062	Switches for domestic and similar purposes	IS 3854 : 1997
4.	3752769	18-8-2011	Nature Efficient Electronics Pvt. Ltd., Guth No. 19, Plot Nos. 1 to 5, Bhiwandi Wada Road, Village Khutal, Thane-421303	Self ballasted lamps for general lighting services part 2 : performance requirements	IS 15111 : Part 2 : 2002
5.	3752870	18-8-2011	K. Patel Metal Inds. Pvt. Ltd. 143, K & J, Amalia, Daman-396210 Dabhel, Daman & Diu	Particular types of winding wires-part 3 : polyester enamelled round copper wire, class 155	IS 13730 : Part 3 : 1996
6.	3753771	24-8-2011	Kavita Appliances, Gala No. 9 Standard House Compound, Bail Bazar, Kale Marg, Kurla West, Mumbai-400070	Domestic electric food-mixers (liquidizes and grinders)	IS 4250 : 1980

[No. CMD/13 : 11]

S.B. RAY, Scientist 'F' & Head (MDM-III)

नई दिल्ली, 5 सितम्बर, 2011

का. आ. 2503.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम (4) के उप-विनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :—

अनुसूची

क्रम सं.	लाइसेंस संख्या	स्वीकृत करने की तिथि/ वर्ष/माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा. मा. संख्या	भाग	अनुभाग	वर्ष
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	L-9877823	2-8-2011	मै. धान्सु एक्वा, फाजिलपुर रोड, फारूख नगर, वार्ड नं. 10, खेवट/खाता नं. 902/ 977, मुस्तकिल नं. 232, फारूख नगर, जिला गुडगांव-122506 (हरियाणा)	पैकेजबन्द पेय जल (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा)	14543	—	—	2004
2.	L-9881208	23-8-2011	मै. पी.एम.बी. इंटरप्राइसिस, डबुआ पाली रोड, गांव डबुआ, जिला फरीदाबाद-121001 (हरियाणा)	घरेलू प्रेशर कुकर	2347	—	—	2006

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
3.	L-9882311	30-8-2011	मै. डी.के. इण्डस्ट्रीज, मौजा मुजेरी, आर.जी. खेबट नं. 225-26-27, खाता नं. 256, किला नं. 6, बल्लभगढ़, जिला फरीदाबाद-121004 (हरियाणा)	पैकेजबन्द पेय जल (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा)	14543	—	—	2004

[सं. के प्र वि/13 : 11]

एम. सदाशिवम, वैज्ञानिक 'एफ' एवं प्रमुख (एफ डी ओ)

New Delhi, the 5th September, 2011

S.O. 2503.—In pursuance of sub-regulation (5) of Regulation 4 of the Bureau of Indian Standards (Certification) Regulations, 1988 of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given below in the following schedule :

SCHEDULE

Sl. No.	Licence No.	Grant Date	Name and Address of the Party	Title of the Standard	IS No.	Part	Section	Year
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	L-9877823	2-8-2011	M/s. Dhansu Aqua, Fazilpur Road, Farrukh Nagar, Ward No. 10, Khevat/Khata No. 902/977, Mustkil No. 232, Farrukh Nagar, Distt. Gurgaon-122506 (Haryana)	Packaged Drinking Water (Other than Packaged Natural Mineral Water)	14543	—	—	2004
2.	L-9881208	23-8-2011	M/s. P.M.B. Enterprises, Dabua Pali Road, Village Dabua, Distt. Faridabad-121001 (Haryana)	Domestic Pressure Cookers	2347	—	—	2006
3.	L-9882311	30-8-2011	M/s. D.K. Industries, Mauja Mujeri, R.G Khebat No. 225-26-27, Khata No. 256, Kila No. 6, Ballabgarh, Distt. Faridabad-121004 (Haryana)	Packaged Drinking Water (Other than Packaged Natural Mineral Water)	14543	—	—	2004

[No. CMD/13 : 11]

M. SADASIVAM, Scientist 'F' & Head (FDO)

नई दिल्ली, 5 सितम्बर, 2011

का. आ. 2504.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम (5) के उप-विनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी गई तारीख से रद्द/स्थगित कर दिया गया है :—

अनुसूची

क्रम सं.	लाइसेंस संख्या सीएम/एल	लाइसेंसधारी का नाम व पता	लाइसेंस के अंतर्गत वस्तु/प्रक्रम सम्बद्ध भारतीय मानक का शीर्षक	रद्द करने की तिथि
1.	L-9753195	मै. रॉयल बैवरेजिस, खेवट नं. 116/8 और 116/12, मुस्तकिल 93/11, किला नं. 16, मिर्जापुर डेयरी जोन के पास, गाँव तिगाँव, बल्लभगढ़, जिला फरीदाबाद-121004 (हरियाणा)	पैकेजबन्द पेय जल (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा)	8-8-2011

[सं. सीएमडी/13 : 13]

एम. सदाशिवम, वैज्ञानिक 'एफ' एवं प्रमुख (एफ. डी. ओ.)

New Delhi, the 5th September, 2011

S.O. 2504.—In pursuance of sub-regulation (6) of Regulation 5 of the Bureau of Indian Standards (Certification) Regulations, 1988 of the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given below have been cancelled/suspended with effect from the date indicated against each :

SCHEDULE

Sl. No.	Licences No. CM/L-	Name and Address of the Licensee	Article/Process with relevant Indian Standards covered by the licence cancelled/suspension	Date of Cancellation
1.	L-9753195	M/s. Royal Beverages, Khewat No. 116/8 & 116/12, Mustkil 93/11, Kila No. 16, Near Mirzapur Dairy Zone, Village Tigaon, Ballabgarh, Distt. Faridabad-121004 (Haryana)	Packaged Drinking Water (Other than Packaged Natural Mineral Water)	8-8-2011

[No. CMD/13 : 13]

M. SADASIVAM, Sc. 'F' & Head (FDO)

नई दिल्ली, 6 सितम्बर, 2011

का. आ. 2505.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम सं.	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमिकत भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस/आईएसओ 13373-1 : 2002 मशीनों की अवस्था मॉनीटरिंग तथा डाइग्नोस्टिक—कंपन स्थिति की मॉनीटरिंग भाग 1 : सामान्य विधियाँ	—	31 जनवरी 2011

(1)	(2)	(3)	(4)
2.	आई एस/आईएसओ 13373-2 : 2005 मशीनों की अवस्था मॉनीटरिंग तथा डाइग्नोस्टिक-कंपन स्थिति की मॉनीटरिंग भाग 2 : कंपन ऑकड़ों का प्रक्रमण, विश्लेषण और प्रस्तुतिकरण	—	31 जनवरी 2011
3.	आई एस/आईएसओ 20806 : 2004 यांत्रिक कंपन-बड़े और मध्यम रोटर्स के लिए स्वस्थान संतुलन के मानदंड और सुरक्षा	—	31 जनवरी 2011
4.	आई एस/आईएसओ 22877 : 2004 [आई एस 6839 (भाग 1) : 1994 का अतिक्रमण] कास्टर एवं पहिए-पारिभाषिक शब्दावली, चिह्न तथा बहुभाषी शब्दावली	आई एस 6839 (भाग 1) : 1994 शक्ति रहित सामग्री प्रहस्तन उपस्कर से संबंधित पारिभाषिक शब्दावली भाग 1 कास्टर एवं पहिए	31 मार्च 2011

इन भारतीय मानकों की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुपवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एम.ई.डी./जी-2 : 1]

जे.ए. सिद्दीकी, वैज्ञानिक 'ई' निदेशक (यांत्रिक इंजीनियरिंग)

New Delhi, the 6th September, 2011

S.O. 2505.—In pursuance of clause (b) sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards, hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. & Year of the Indian Standards Established	No. & year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS/ISO 13373-1 : 2002 Condition monitoring and diagnostics of machines—Vibration condition monitoring Part I General Procedures	—	31 January 2011
2.	IS/ISO 13373-2 : 2005 Condition monitoring and diagnostics of machines—Vibration condition monitoring Part 2 Processing, analysis and presentation of vibration data	—	31 January 2011
3.	IS/ISO 20806 : 2004 Mechanical vibration—Criteria and safeguards for the in-situ balancing of medium and large rotors.	—	31 January 2011
4.	IS/ISO 22877 : 2004 [Superseding IS 6839 (Part 1) : 1994] Castors and Wheels—Vacabulary, symbols and multilingual terminology	Superseding IS 6839 (Part 1) : 1994 Glossary of terms relating to non-powered material handling equipment Part 1 Castor and Wheels.	31 March 2011

Copy of these Standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also District Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Lucknow, Patna, Pune, Thiruvananthapuram.

[Ref: MED/G-2: 1]

J.A. SIDDIQUI, Sc. 'E' Director (Mechanical Engineering)

नई दिल्ली, 6 सितम्बर, 2011

सर, उद्, 2009.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो का निर्णय है कि निम्न भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम सं.	स्थापित भारतीय मानक (को) की संख्या, वर्ष और वर्ष	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 15828 : 2009 प्लास्टिक अस्तर के जल-कुण्ड के डिजाइन एवं निर्माण-रीति संहिता	—	31 मई 2009
2.	आई एस 15857 : 2009 कॉटन सीड डीलिंग मशीनरी चार्जिंग आगेमन मशीन—विशिष्ट	—	30 जून 2009
3.	आई एस 15863 : 2009 कॉटन सीड डीलिंग मशीनरी— नल उत्पादी बेल्ट सहित—विशिष्ट	—	30 जून 2009

इस भारतीय मानक (को) की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चेन्नई, मुम्बई, चण्डीगढ़ तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, कानपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एफ.ए.डी./जी-128]

डॉ. आर. के. बजाज, वैज्ञानिक एफ एवं प्रमुख (खाद्य एवं कृषि)

New Delhi, the 6th September, 2011

S.O. 2506.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standard Rules, 1987, the Director, Indian Standards, hereby notifies that the Indian Standard, particulars of which are given in the Schedule hereto are hereby established on the date indicated against it :

SCHEDULE

Sr. No.	No. & Year of the Indian Standards Established	No. & year of Indian Standards, Date of if any, superseded by the New Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1.	IS 15828 : 2009 Design and Construction of Plastic Lined Farm Ponds—Code of Practice	—	31 May 2009
2.	IS 15857 : 2009 Cotton Seed Delinting Machinery— Machine Charging Machine—Specification	—	30 June 2009
3.	IS 15863 : 2009 Cotton Seed Delinting Machinery— Indian Type Belt Conveyor—Specification.	—	30 June 2009

Copy of the Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: FAD/G-128]

DR. R. K. BAJAJ, Scientist 'F' & Head (Food Agri.)

नई दिल्ली, 8 सितम्बर, 2011

का. आ. 2507.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसार में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों को निम्नलिखित नीचे अनुसूची में दिया गया है वे रद्द कर दिए गये हैं और वापिस ले लिए गये हैं :—

अनुसूची

क्रम संख्या	रद्द किये गये मानकों की संख्या और वर्ष	भारत के राजपत्र भाग II, खंड 3, उपखंड (ii) में का.आ. संख्या और तिथि प्रकाशित	टिप्पणी
(1)	(2)	(3)	(4)
1.	आई एस 4268 : 1992	—	व्यवहार में नहीं है।
2.	आई एस 6648 : 1972	—	व्यवहार में नहीं है।

[संदर्भ : ईटी 10/टी-10, टी-15]

आर.के. त्रेहन, वैज्ञानिक 'ई' एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 8th September, 2011

S.O. 2507.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standard Rules, 1987, it is hereby notified that the Indian Standards, particulars of which are mentioned in the Schedule given hereafter, have been cancelled and stands withdrawn :

SCHEDULE

Sl. No.	No. & Year of the Indian Standards Cancelled	S.O. No. & Date published in the Gazette of India, Part-II, Section-3, Sub-section (ii)	Remarks
(1)	(2)	(3)	(4)
1.	IS 4268 : 1992	—	No longer in use
2.	IS 6648 : 1972	—	No longer in use

[Ref: ET 10/T-10 & T-15]

R.K. TREHAN, Scientist 'E' & Head (Electrotechnical)

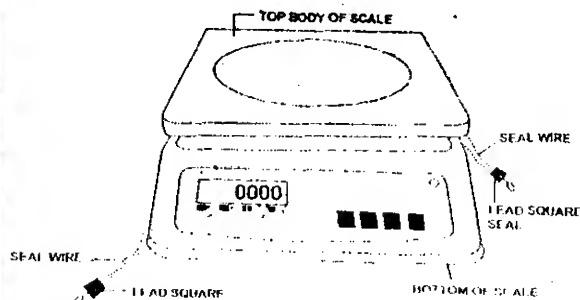
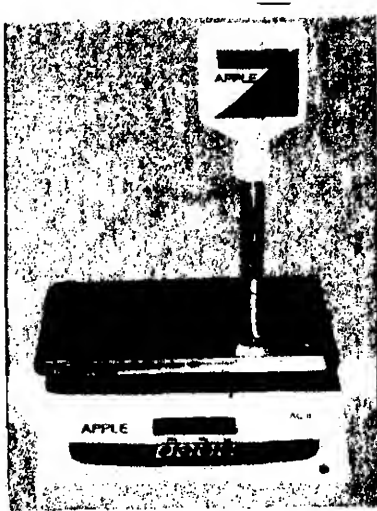
नई दिल्ली, 18 अप्रैल, 2011

का.आ. 2508.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एपल वे इनफ्रा लि., आई-1, न्यू माधापुरा, साहीबाग रोड, अहमदाबाद-380004 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "एटीपी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटॉप टाइप) के मॉडल का, जिसके ब्रांड का नाम "एपल" है (जिसमें इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/159 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटॉप टाइप) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1 : मॉडल



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

स्केल की बाडी में दिए गए छेदों से सीलिंग वायर निकाल कर सीलिंग की जाती है। मॉडल की सीलिंग व्यवस्था का एक विशिष्ट स्कीम आधारित डायग्राम ऊपर दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिज़ाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक के "ई" मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5,000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$, $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(115)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th April, 2011

S.O. 2508.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table Top Type) with digital indication of High Accuracy (Accuracy class-II) of series "ATP" and with brand name "APPLE" (hereinafter referred to as the said model), manufactured by M/s Apple Weigh Infra Limited, I-1, New Madhapura, Sahibaug Road, Ahmedabad-380004 which is assigned the approval mark IND/09/10/159;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table Top Type) with a maximum capacity of 30 kg and minimum capacity of 100 g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1 : Model

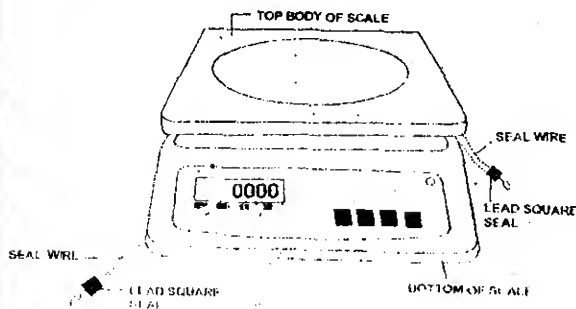


Figure-2 : Schematic diagram of sealing provision of the model

Sealing is done by passing the sealing wire from the body of the scale through holes. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity upto 50 kg and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg to 50 mg and with number of verification scale interval (n) in the range of 5,000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and materials with which, the said approved model has been manufactured.

[F.No. WM-21(115)/2010]

B. N. DIXIT, Director of Legal Metrology

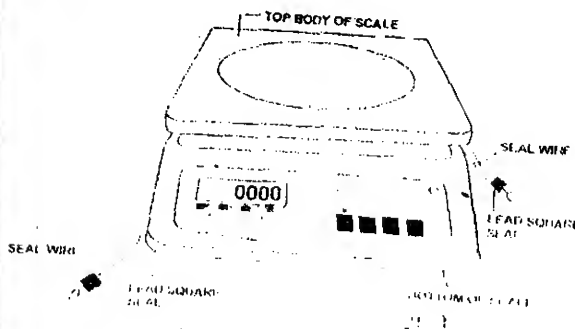
नई दिल्ली, 18 अप्रैल, 2011

का.आ. 2509.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एपल वे इनफ्रा लि., आई-1, न्यू माधापुरा, साहीबगंज रोड, अहमदाबाद-380004 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एटीआर" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटॉप टाइप) के मॉडल का, जिसके ब्रांड का नाम "एपल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/160 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटॉप टाइप) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1 : मॉडल



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

स्केल की बॉडी में दिए गए छेदों से सीलिंग वायर निकाल कर सीलिंग की जाती है। मॉडल की सीलिंग व्यवस्था का एक विशिष्ट स्कीम आधारित डायग्राम ऊपर दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिज़ाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक के "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$, $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यूएम-21(115)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th April, 2011

S.O. 2509.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table Top Type) with digital indication, belonging to Medium Accuracy (Accuracy class-III) of series "ATR" and with brand name "APPLE" (hereinafter referred to as the said model), manufactured by M/s Apple Weigh Infra Limited, I-1, New Madhapura, Sahibaug Road, Ahmedabad-380004 which is assigned the approval mark IND/09/10/160;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table Top Type) with a maximum capacity of 30 kg and minimum capacity of 100 g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1 : Model

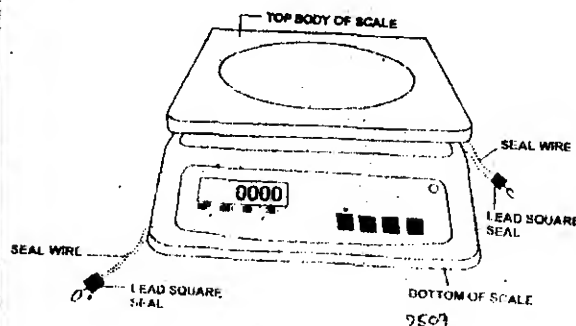


Figure-2 : Schematic diagram of sealing provision of the model

Sealing is done by passing the sealing wire from the body of the scale through holes. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/Mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of the same series with maximum capacity upto 50 kg and with number of verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and materials with which, the said approved model has been manufactured.

[F.No. WM-21(115)/2010]

B. N. DIXIT, Director of Legal Metrology

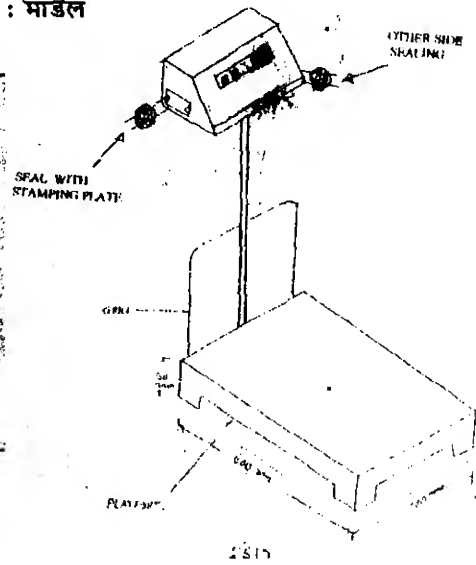
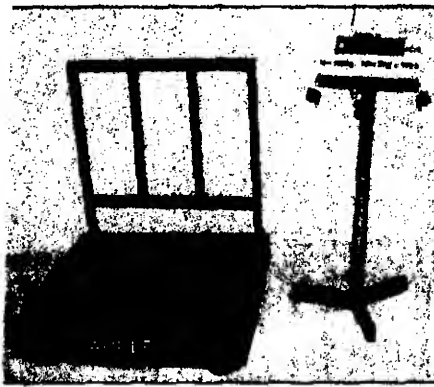
नई दिल्ली, 18 अप्रैल, 2011

का.आ. 2510.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एपल वे इनफ्रा लि., आई-1, न्यू माधापुरा, साहीबगं रोड, अहमदाबाद-380004 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “एपीएफ-1000” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्रांड का नाम “एपल” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/161 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1 : मॉडल



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

स्केल की बॉडी में दिए गए छेदों से सीलिंग वायर निकाल कर सीलिंग की जाती है। मॉडल की सीलिंग व्यवस्था का एक विशिष्ट स्कीम आधारित डायग्राम ऊपर दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिज़ाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$, $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम 21(115)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th April, 2011

S.O. 2510.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform Type) with digital indication of Medium Accuracy (Accuracy class-III) of series “APF-1000” and with brand name “APPLE” (hereinafter referred to as the said model), manufactured by M/s Apple Weigh Infra Limited, I-1, New Madhapura, Sahibaug Road, Ahmedabad-380004 which is assigned the approval mark IND/09/10/161;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform Type) with a maximum capacity of 1000 kg and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1 : Model

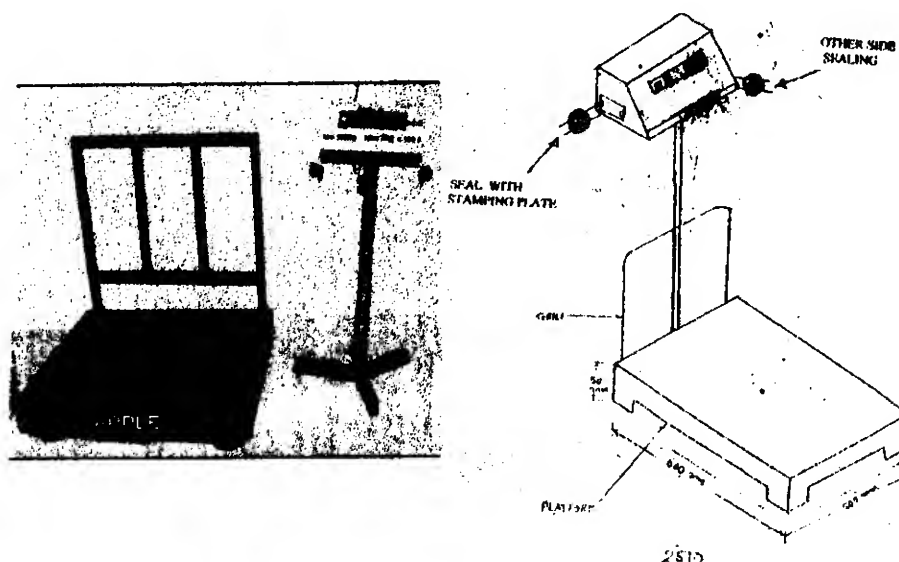


Figure-2 : Schematic diagram of sealing provision of the model

Sealing is done by passing the sealing wire from the body of the scale through holes. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy, and performance of same series with maximum capacity above 50 kg up to 5000 kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21(115)/2011]

B. N. DIXIT, Director of Legal Metrology

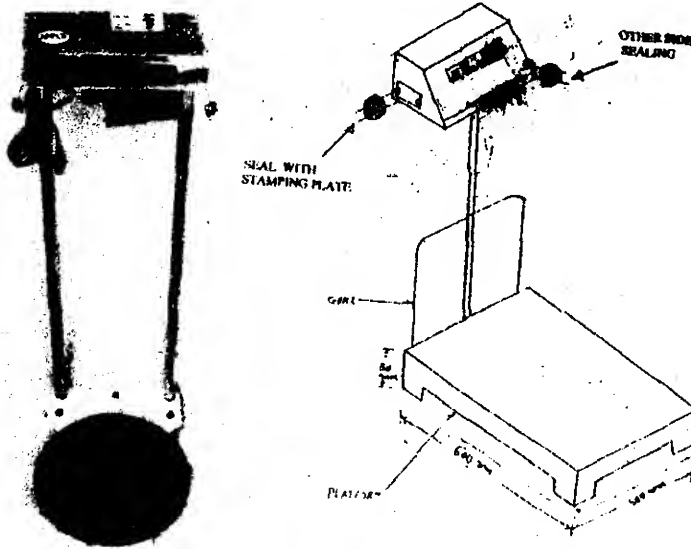
नई दिल्ली, 18 अप्रैल, 2011

क्र.आ. 2511.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एपल वे इनफ्रा लि., आई-1, न्यू माधापुरा, साहीबगं रोड, अहमदाबाद-380004 द्वारा विनिर्मित साधारण यथार्थता (यथार्थता वर्ग-III) वाले "एडब्ल्यूपी-2000" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (इलेक्ट्रॉनिक व्यक्ति तोलन मशीन) के मॉडल का, जिसके ब्रांड का नाम "एपल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/162 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (इलेक्ट्रॉनिक व्यक्ति तोलन मशीन) है। इसकी अधिकतम क्षमता 200 कि.ग्रा. और न्यूनतम क्षमता 5 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 500 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण बैटरी से परिचालित होता है।

आकृति-1 : मॉडल



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

स्केल के बाटम साइड में बनाए गए छेद में से सीलिंग वायर निकाल कर सीलिंग की जाती है। स्टाम्पिंग के लिए सीलिंग वायर लीड सील के साथ बाड़ी में से निकाल का स्टाम्पिंग प्लेट को जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम ऊपर दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 100 से 1,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 200 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$, $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(115)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th April, 2011

S.O. 2511.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby approves and issues the certificate of approval of the model of non-automatic weighing instrument (Electronic Person Weighing Machine) with digital indication of Ordinary Accuracy (Accuracy Class-III) of series "AWP-2000" and with brand name "APPLE" (hereinafter referred to as the said model), manufactured by M/s Apple Weigh Infra Limited, I-1, New Madhapura, Sahibang Road, Ahmedabad-380004 which is assigned the approval mark IND/09/10/162;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Electronic Person Weighing Machine) with a maximum capacity of 200 kg and minimum capacity of 5 kg. The verification scale interval (e) is 500g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing results. The instrument operates on Batteries.

Figure-1 : Model

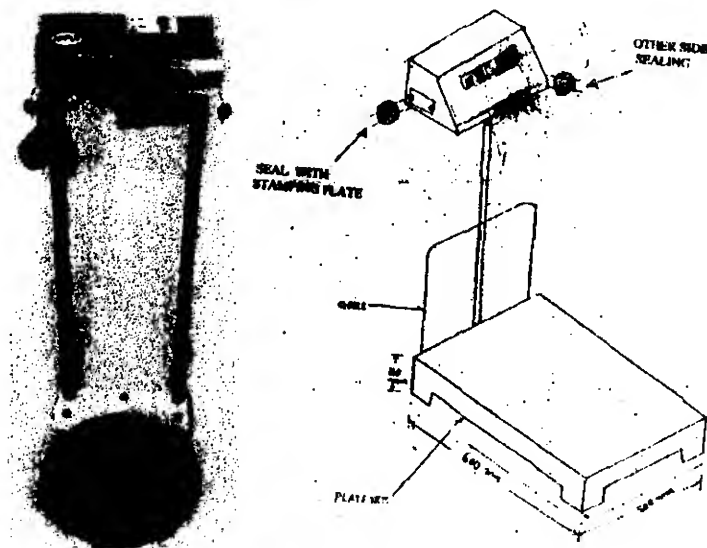


Figure-2 : Schematic diagram of the sealing provision of the model

Sealing is done through the hole, made in the bottom side of the scale and then sealing wire is passed through these holes. Stamping plate is connected through sealing wire passing from the body of the scale with lead seal, to get the stamping. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy, and performance of same series with maximum capacity upto 200 kg with verification scale interval (n) in the range of 100 to 1,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21(115)/2010]

B. N. DIXIT, Director of Legal Metrology

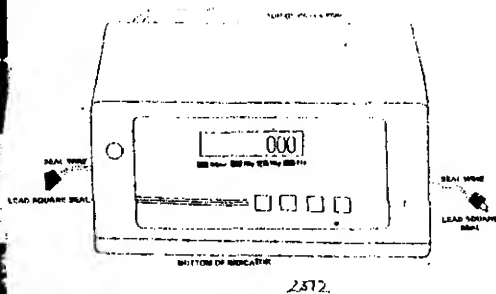
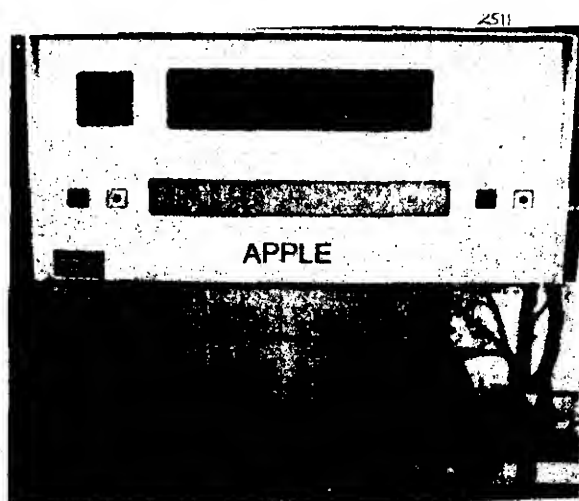
नई दिल्ली, 18 अप्रैल, 2011

क्र.अ. 2512.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एपल वे इनफ्रा लि., आई-1, न्यू माधापुरा, साहीबाग रोड, अहमदाबाद-380004 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एडब्ल्यूसी-30 टी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (इलेक्ट्रॉनिक वेब्रिज कंवर्सन किट) के मॉडल का, जिसके ब्रांड का नाम "एपल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/163 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (इलेक्ट्रॉनिक वेब्रिज कंवर्सन किट) है। इसकी अधिकतम क्षमता 30 टन और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1 : मॉडल (वेब्रिज)



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

कपटपूर्ण व्यवहार के लिए वेइंग मशीन को खोले जाने से रोकने के लिए सीलिंग की जाती है। स्टाम्पिंग के लिए बेस प्लेट और टॉप कवर में से सीलिंग वायर लीड सील के साथ निकाल कर स्टाम्पिंग प्लेट को जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम ऊपर दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से 150 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$, $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(115)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th April, 2011

S.O. 2512.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Electronic Weighbridge Conversion kit) with digital indication of Medium Accuracy (Accuracy class-III) of series "AWC-30T" and with brand name "APPLE" (hereinafter referred to as the said model), manufactured by M/s Apple Weigh Infra Limited, I-1, New Madhapura, Sahibaug Road, Ahmedabad-380004 and which is assigned the approval mark IND/09/10/163;

The said model is a load cell based non-automatic weighing instrument (Electronic Weighbridge Conversion kit) with a maximum capacity of 30 tonne and minimum capacity of 100 kg. The verification scale interval (e) is 5 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) Display indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1: Model (Weighbridge)

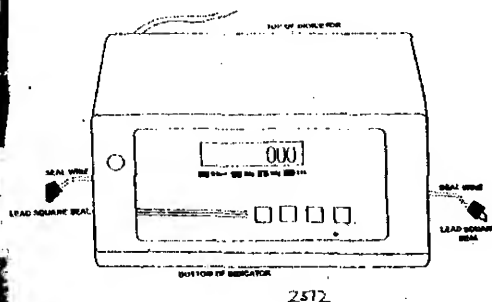
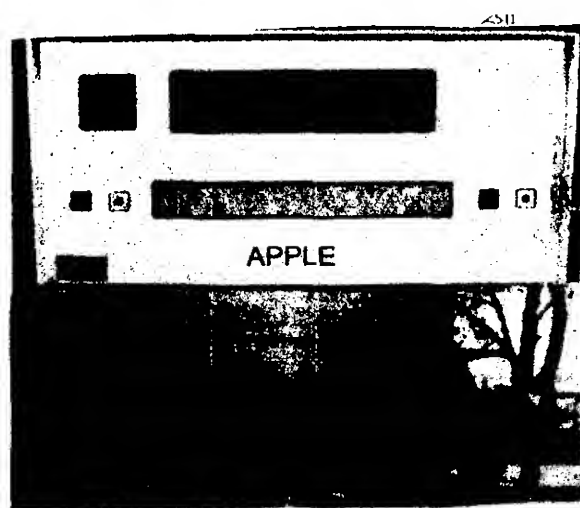


Figure-2: Schematic diagram of the sealing provision of the model

Sealing shall be done to prevent opening of the weighing machine for fraudulent practice. Stamping plate is connected through sealing wire passing from the body of scale through base plate and top cover with the lead seal, to get the stamping. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/Mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy, and performance of same series with maximum capacity above 5 tonne and up to 150 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or above and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21(115)/2010]

B. N. DIXIT, Director of Legal Metrology

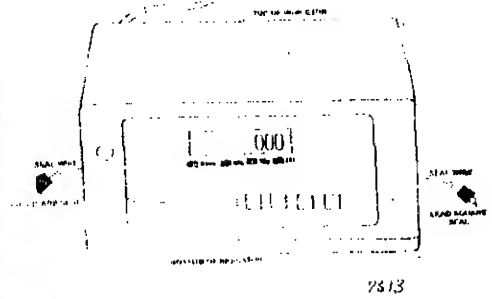
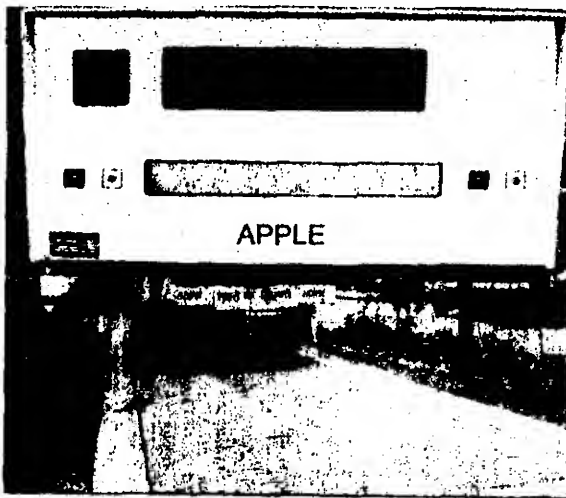
नई दिल्ली, 18 अप्रैल, 2011

का.आ. 2513.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एपल वे इनफ्रा लि., आई-1, न्यू माधापुरा, साहीबाग रोड, अहमदाबाद-380004 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एडब्ल्यूबी-50 टी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (इलेक्ट्रॉनिक वेब्रिज) के मॉडल का, जिसके ब्रांड का नाम "एपल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/164 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (इलेक्ट्रॉनिक वेब्रिज) है। इसकी अधिकतम क्षमता 50 टन है और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1 : मॉडल (वेब्रिज)



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

स्केल की बॉडी में दिए गए छेदों में से सीलिंग वायर निकाल कर सीलिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से 200 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$, $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(115)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th April, 2011

S.O. 2513.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Electronic Weighbridge) with digital indication of Medium Accuracy (Accuracy class-III) of series "AWB-50T" and with brand name "APPLE" (hereinafter referred to as the said model), manufactured by M/s Apple Weigh Infra Limited, I-1, New Madhapura, Sahibaug Road, Ahmedabad-380004 and which is assigned the approval mark IND/09/10/164;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Electronic Weighbridge) with a maximum capacity of 50 tonne and minimum capacity of 100 kg. The verification scale interval (e) is 5 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) Display indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1 : Model (Weighbridge)

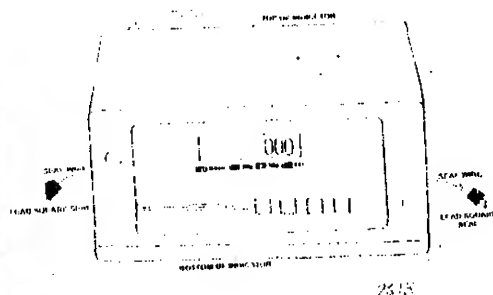
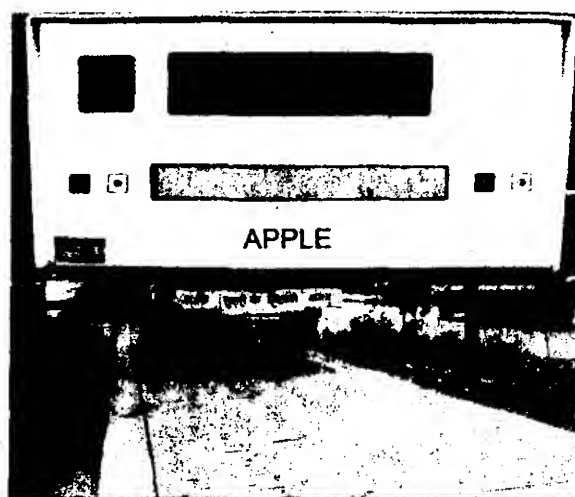


Figure-2 : Schematic diagram of the sealing provision of the model

Sealing is done by passing the sealing wire from the body of the scale through holes. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy, and performance of same series with maximum capacity above 5 tonne and up to 200 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or above and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and materials with which, the said approved model has been manufactured.

[F.No. WM-21(115)/2010]

B. N. DIXIT, Director of Legal Metrology

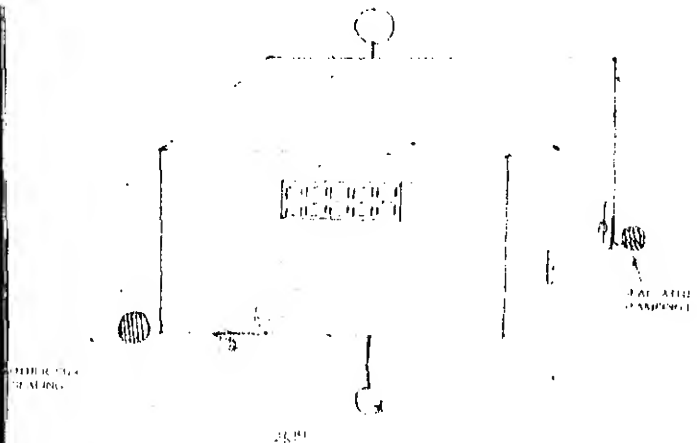
नई दिल्ली, 18 अप्रैल, 2011

का.आ. 2514.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति-देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एपल वे इनफ्रा लि., I-1, न्यू माधापुरा, साहीबगं रोड, अहमदाबाद-380004 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-III) वाले "एसीएस-10टी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (क्रैन टाइप) के मॉडल का, जिसके ब्रांड का नाम "एपल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/165 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है;

उक्त मॉडल-एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (क्रैन टाइप) है। इसकी अधिकतम क्षमता 10,000 कि.ग्रा. है और न्यूनतम क्षमता 40 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

इंडीकेटर के पीछे अपर और लोअर प्लेट में छेद बना कर, इनमें से सीलिंग वायर निकाल कर सीलिंग की जाती है। वेइंग मशीन को कपटपूर्ण व्यवहार के लिए खोले जाने से रोकने के लिए सीलिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिज़ाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 30 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$, $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(115)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th April, 2011

S.O. 2514.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Crane Type) with digital indication of Medium Accuracy (Accuracy class-III) of series "ACS 10T" and with brand name "APPLE" (hereinafter referred to as the said model), manufactured by M/s Apple Weigh Infra Limited, I-1, New Madhapura, Sahibaug Road, Ahmedabad-380004 and which is assigned the approval mark IND/09/10/165;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Crane Type) with a maximum capacity of 10,000 kg. and minimum capacity of 40 kg. The verification scale interval (e) is 2kg. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

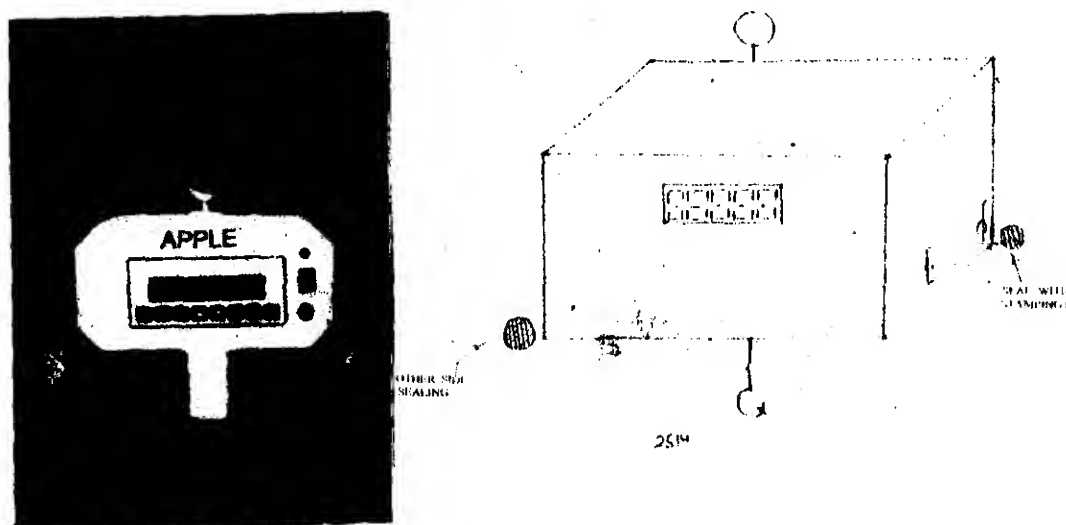


Figure-2 : Schematic diagram of sealing provision of the model

The sealing is done through the holes made in upper and lower plate on the rear side of the indicator, then sealing wire is passed through these holes. Sealing shall be done to prevent opening of the weighing machine for fraudulent practice. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/Mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity range from 50 kg. and up to 30 tonne with verification interval (n) in the range of 500 to 10,000 for 'e' value of 5 g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21(115)/2010]

B. N. DIXIT, Director of Legal Metrology

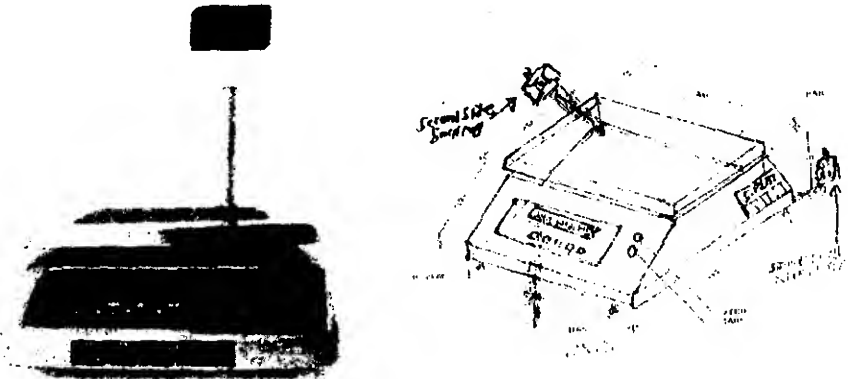
नई दिल्ली, 28 अप्रैल, 2011

का. आ. 2515.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केंद्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स केपीटल स्केल इंडस्ट्रीज, चनश्याम नगर, जेसर रोड, सावरकुण्डला-364515 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "केटीटी-03" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटॉप टाइप) के मॉडल का, जिसके ब्रांड का नाम "केपीटल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन विद् आई एन डी/09/10/611 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्पले की बॉडी में से सीलिंग वायर निकाल कर डिस्पले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्पले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिज़ाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 2 ग्रा. तक के "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 5,000 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$, $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यूएम-21(278)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 28th April, 2011

S.O. 2515.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of Medium Accuracy (Accuracy class-III) of series "KTT-03" and with brand name "CAPITAL" (hereinafter referred to as the said model), manufactured by M/s. Capital Scale Industries, Ghanshyam Nagar, Jesar Raod, Savarkundla-364515 and which is assigned the approval mark IND/09/10/611;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100 g. The verification scale interval (e) is 5 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

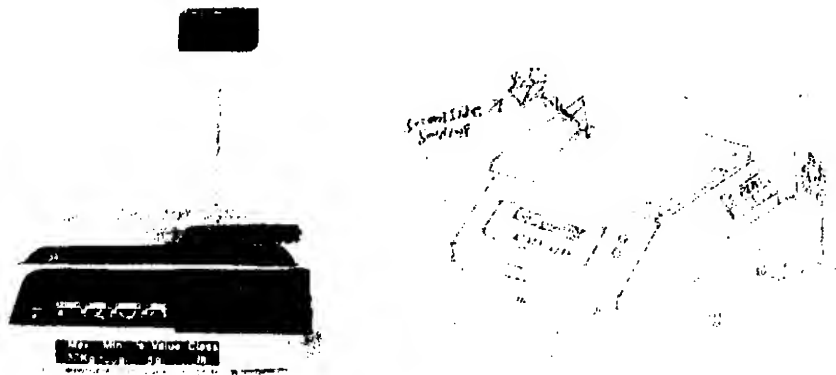


Figure-2 : Schematic diagram of sealing provision of the model

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by hole in base plate and top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/Mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 1 mg. to 2 g. and with verification scale interval (n) in the range of 5,000 to 10,000 for 'e' value of 5 g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21(278)/2010]

B. N. DIXIT, Director of Legal Metrology

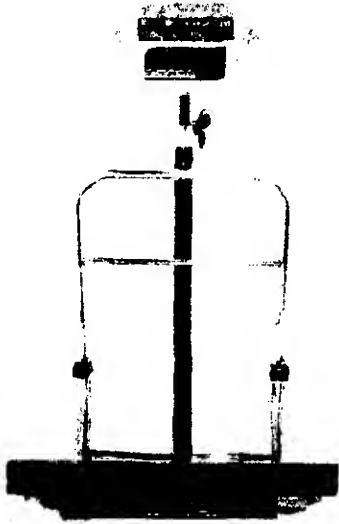
नई दिल्ली, 28 अप्रैल, 2011

का. आ. 2516.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स केपीटल स्केल इंडस्ट्रीज, घनश्याम नगर, जेसर रोड, सावरकुण्डला-364515 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "केपीएफ-02" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्रांड का नाम "केपीटल" (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/612 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 1,000 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श लेन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्पले की बाड़ी में से सीलिंग वायर निकाल कर डिस्पले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्पले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5,000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$, $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(278)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 28th April, 2011

S.O. 2516.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of Medium Accuracy (Accuracy class-III) of series "KPF-02" and with brand name "CAPITAL" (hereinafter referred to as the said model), manufactured by M/s. Capital Scale Industries, Ghanshyam Nagar, Jesar Road, Savarkundla-364515 and which is assigned the approval mark IND/09/10/612;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1,000 kg. and minimum capacity of 2 kg. The verification scale interval (e) is 100 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

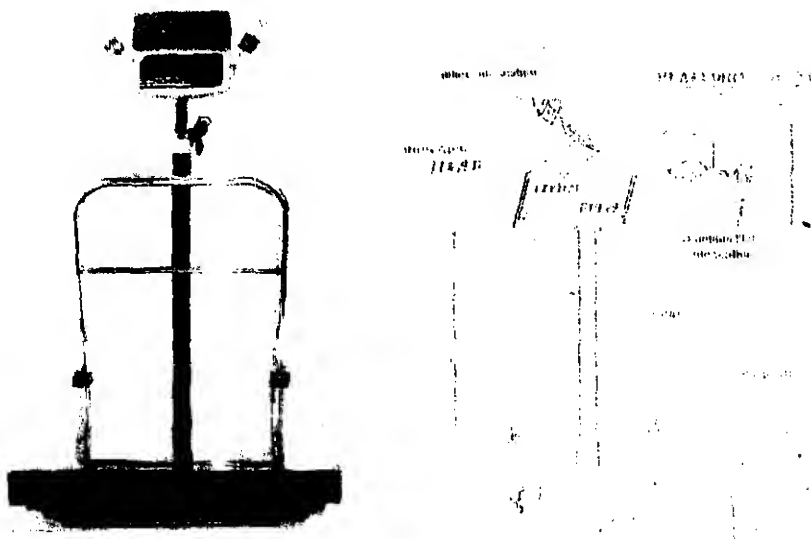


Figure-2 : Schematic diagram of sealing provision of the model

Sealing is done on display by passing sealing wire from the body of the display. The seal is connected by hole in base plate and top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and upto 5,000 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21(278)/2010]

B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 5 मई, 2011

फा. आ. 2517.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स यूनिक्स वेप रिटेल प्रा. लि. 33, उदय नगर, गोपालपुरा बाईपास, निर्माण नगर, जयपुर (राजस्थान) द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “ए ए टी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप टाइप) के मॉडल का, जिसके ब्रांड का नाम “ए ए एस” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन विह आई एन डी/09/10/208 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1 : मॉडल



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

स्केल की बॉडी में दिए गए होल्स से सीलिंग वायर निकाल कर सीलिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिज़ाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 2 ग्रा. तक के “ई” मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$, $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(126)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 5th May, 2011

S.O. 2517.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table Top Type) with digital indication of Medium Accuracy (Accuracy class-III) of series "AAT" and with brand name "AAS" (hereinafter referred to as the said model), manufactured by M/s. Unique Wep Retail Pvt. Ltd. 33, Udai Nagar, Gopalpura Bypass, Nirman Nagar, Jaipur (Rajasthan) and which is assigned the approval mark IND/09/10/208;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table Top Type) with a maximum capacity of 30 kg. and minimum capacity of 100 g. The verification scale interval (e) is 5 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1 : Model

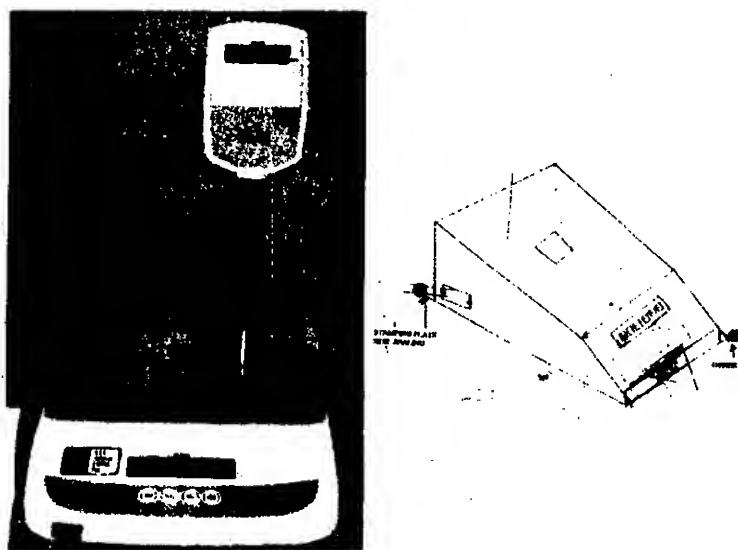


Figure-2 : Schematic diagram of sealing provision of the model

Sealing is done by passing the sealing wire from the body of the scale through holes. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/Mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 1mg. to 2 g. and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21(126)/2010]

B. N. DIXIT, Director of Legal Metrology

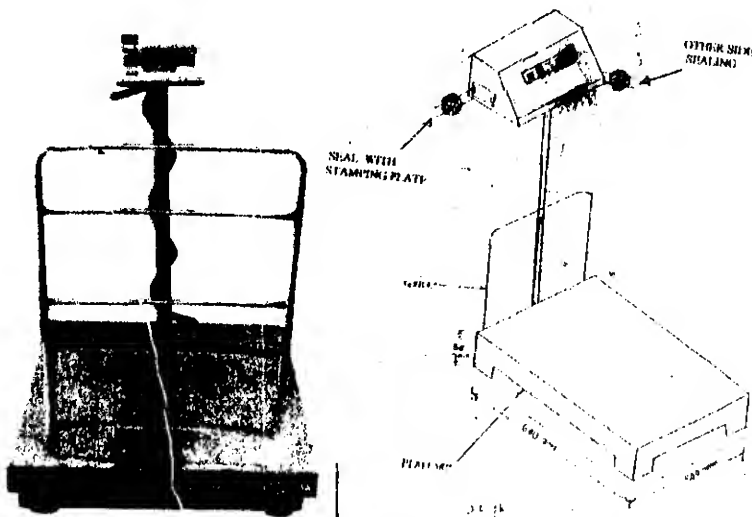
नई दिल्ली, 5 मई, 2011

का. आ. 2518.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स यूनिक्स वेप रिटेल प्रा. लि., 33, उदय नगर, गोपालपुरा बाईपास, निर्माण नगर, जयपुर (राजस्थान) द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "ए ए पी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्रांड का नाम "ए ए एस" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/209 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 1,000 कि.ग्रा. है और न्यूनतम क्षमता 2.5 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

स्केल की बॉडी के छेदों में से सीलिंग वायर निकाल कर सीलिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम ऊपर दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5,000 से 1,00,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. से 5,000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$, $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(126)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 5th May, 2011

S.O. 2518.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of High Accuracy (Accuracy Class-II) of series "AAP" and with brand name "AAS" (hereinafter referred to as the said model), manufactured by M/s Unique Wep retail Pvt. Ltd., 33, Udai Nagar, Gopalpura Bypass, Nirman Nagar, Jaipur (Rajasthan) and which is assigned the approval mark IND/09/10/209;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1,000 kg. and minimum capacity of 2.5 kg. The verification scale interval (e) is 50 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1 Model

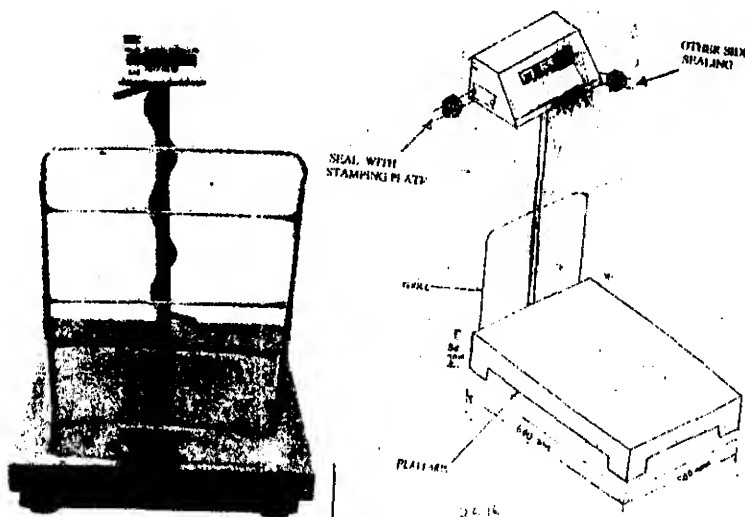


Figure-2 : Schematic diagram of sealing provision of the model

Sealing is done by passing the sealing wire from the body of the scale through holes. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/Mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and upto 5,000 kg. with verification scale interval (n) in the range of 5,000 to 1,00,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21(126)/2010]

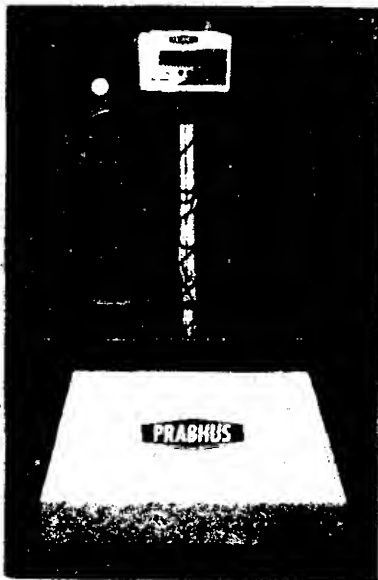
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 5 मई, 2011

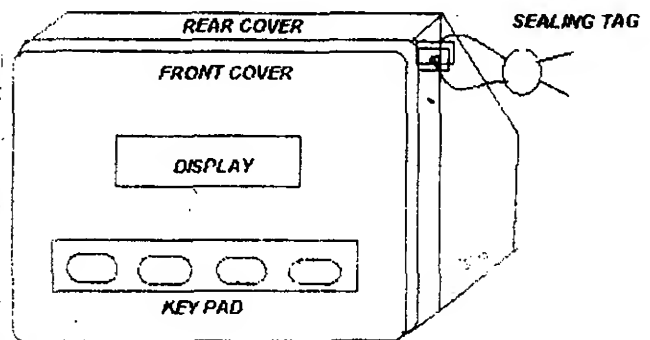
का. आ. 2519.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स प्रभुज स्केल्ज, 9/158-बी, मेन रोड, कुनियामुथुर (पो. आ.) कोयम्बतूर-641008 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "पीआरबी-पीएफ" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्रांड का नाम "प्रभुज" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/61 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 1,000 कि.ग्रा. और न्यूनतम क्षमता 4 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-1



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्पले की बाड़ी में से सीलिंग वायर निकाल कर डिस्पले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्पले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिज़ाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5,000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$, $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

New Delhi, the 5th May, 2011

S.O. 2519.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of Medium Accuracy (Accuracy class-III) of series "PRB-PF" and with brand name "PRABHUS" (hereinafter referred to as the said model), manufactured by M/s. Prabhus Scales, 9/158-B, Main Road, Kuniyamuthur (P.O.), Coimbatore-641008 and which is assigned the approval mark IND/09/11/61;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1,000 kg. and minimum capacity of 4 kg. The verification scale interval (e) is 200 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

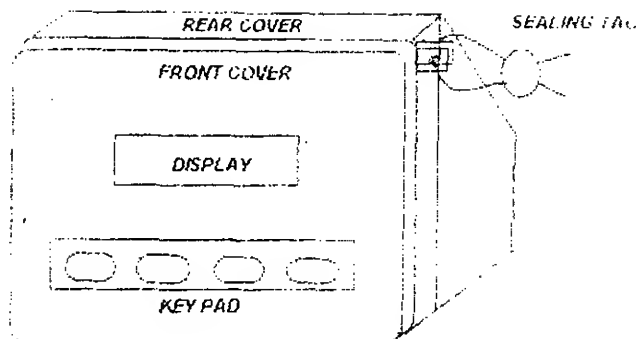


Figure-2 : Schematic diagram of sealing provision of the model

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by hole in base plate and top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and upto 5,000 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21(335)/2010]

B. N. DIXIT, Director of Legal Metrology

कोयला मंत्रालय

आदेश

नई दिल्ली, 6 सितम्बर, 2011

का.आ. 2520.—कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 9 की उप-धारा (1) के अधीन जारी भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का.आ. 288, तारीख 18 जनवरी, 2011, जो भारत के राजपत्र, भाग II, खंड 3, उपखंड (ii), तारीख 29 जनवरी, 2011 में प्रकाशित होने पर, उक्त अधिसूचना से संलग्न अनुसूची में वर्णित भूमि में या उस पर के सभी अधिकार (जिसे इसमें इसके पश्चात् उक्त भूमि कहा गया है) उक्त अधिनियम की धारा 10 की उप-धारा (1) के अधीन, सभी विल्लंगनों से मुक्त होकर, आत्यंतिक रूप से केन्द्रीय सरकार में निहित हो गए ;

और, केन्द्रीय सरकार का यह समाधान हो गया है कि साउथ ईस्टर्न कोलफील्ड्स लिमिटेड, सीपत रोड, डाकघर संख्या 60, जिला-बिलासपुर-495006 (छत्तीसगढ़) (जिसे इसमें इसके पश्चात् सरकारी कम्पनी कहा गया है), ऐसे निबंधनों और शर्तों का, जो केन्द्रीय सरकार इस निमित्त अधिरोपित करना उचित समझे, अनुपालन करने के लिये तैयार है ;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 11 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि इस प्रकार निहित उक्त भूमि और उस पर के सभी अधिकार, तारीख 29 जनवरी, 2011 से केन्द्रीय सरकार में इस प्रकार निहित बने रहने की बजाय, निम्नलिखित निबंधनों और शर्तों के अधीन रहते हुए, उक्त सरकारी कम्पनी में निहित हो जाएँ, अर्थात् :—

- (1) सरकारी कम्पनी, उक्त अधिनियम के उपबंधों के अधीन यथा अवधारित प्रतिकर, ब्याज, नुकसानों और वैसी ही मदों की बाबत किए गए सभी संदायों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी;
- (2) सरकारी कम्पनी द्वारा शर्त (1) के अधीन, केन्द्रीय सरकार को संदेय रकमों का अवधारण करने के प्रयोजन के लिये उक्त अधिनियम की धारा 14 के अधीन एक अधिकरण का गठन किया जाएगा तथा ऐसे किसी अधिकरण और ऐसे अधिकरण की सहायता करने के लिये नियुक्त व्यक्तियों के संबंध में उपगत सभी व्यय, सरकारी कम्पनी द्वारा वहन किये जायेंगे और इसी प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के लिये या उसके संबंध में जैसे अपील आदि सभी विधिक कार्यवाहियों की बाबत उपगत, सभी व्यय भी, इसी प्रकार सरकारी कम्पनी द्वारा वहन किये जाएंगे;
- (3) सरकारी कम्पनी, केन्द्रीय सरकार या उसके पदधारियों की, ऐसे किसी अन्य व्यय के संबंध में, क्षतिपूर्ति करेगी जो इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के बारे में, केन्द्रीय सरकार या उसके पदधारियों द्वारा या उनके विरुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हो;
- (4) सरकारी कम्पनी को, केन्द्रीय सरकार के पूर्व अनुमोदन के बिना, उक्त भूमि को किसी अन्य व्यक्ति को अंतरित करने की शक्ति नहीं होगी; और
- (5) सरकारी कम्पनी, ऐसे निदेशों और शर्तों का, जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हो, उक्त भूमि के विशिष्ट क्षेत्रों के लिये दिए जाएँ या अधिरोपित की जाए, पालन करेगी।

[फा. सं. 43015/10/2009-पीआरआईडब्ल्यू-1]

एस. सी. भाटिया, निदेशक

MINISTRY OF COAL

ORDER

New Delhi, the 6th September, 2011

S.O. 2520.—Whereas on the publication of the notification of the Government of India in the Ministry of Coal number S.O. 288, dated the 18th January, 2011 in Part II, Section 3, Sub-section (ii) of Gazette of India, dated the 29th January, 2011 issued under sub-section (1) of Section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), as all rights in or over the land described in the Schedule appended to the said notification (hereinafter referred to as the said land) vested absolutely in the Central Government free from all encumbrances under sub-section (1) of Section 10 of the said Act;

And, whereas, the Central Government is satisfied that the South Eastern Coalfields Limited, Seepat Road, Post Box Number 60, District-Bilaspur-495006 (Chhattisgarh) (hereinafter referred to as the Government Company) is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 11 of the said Act, the Central Government hereby direct that as all rights in or over the said lands so vested shall with effect from dated the

29th January, 2011 instead of continuing to so vest in the Central Government shall vest in the Government Company subject to the following terms and conditions, namely :—

- (1) The Government Company shall reimburse to the Central Government all payments made in respect of compensation, interest, damages and the like, as determined under the provisions of the said Act ;
- (2) A Tribunal shall be constituted under Section 14 of the said Act, for the purpose of determining the amounts payable to the Central Government by the Government Company under condition (1) and all expenditure incurred in connection with any such tribunal and persons appointed to assist the tribunal shall be borne by the Government Company, and similarly, all expenditure incurred in respect of all legal proceedings like appeals etc. for or in connection with the rights in or over the said lands so vested, shall also be borne by the Government Company ;
- (3) The Government Company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials regarding the rights in or over the said lands so vested ;
- (4) The Government Company shall have no power to transfer the said lands to any other person without the prior approval of the Central Government ; and
- (5) The Government Company shall abide by such direction and conditions as may be given or imposed by the Central Government for particular areas of the said lands as and when necessary.

[F. No. 43015/10/2009-PRIW-I]

S. C. BHATIA, Director

नई दिल्ली, 6 सितम्बर, 2011

का.आ. 2521.—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 7 की उप-धारा (1) के अधीन जारी भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्या का.आ. 3053, तारीख 15 दिसम्बर, 2010, जो भारत के राजपत्र, भाग II, खंड 3, उपखंड (ii), तारीख 18 दिसम्बर, 2010 में प्रकाशित की गई थी, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र की 12.418 हेक्टर (लगभग) या 30.68 एकड़ (लगभग) की भूमि या उस पर के भू-सतह अधिकारों का अर्जन करने के अपने आशय की सूचना दी थी;

और सक्षम प्राधिकारी, ने उक्त अधिनियम की धारा 8 के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार, का पूर्वोक्त रिपोर्ट पर विचार करने के पश्चात् और मध्य प्रदेश सरकार से परामर्श करने के पश्चात् यह समाधान हो गया है कि इससे संलग्न अनुसूची में वर्णित 12.418 हेक्टर (लगभग) या 30.68 एकड़ (लगभग) माप वाली भूमि में या उस पर के भू-सतह अधिकार अर्जित किए जाने चाहिए;

अतः, अब, केन्द्रीय सरकार कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 9 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इससे संलग्न अनुसूची में वर्णित 12.418 हेक्टर (लगभग) या 30.68 एकड़ (लगभग) माप वाली भूमि में या उस पर के भू-सतह अधिकार अर्जित किए जाते हैं;

इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र के रेखांक संख्या एसईसीएल/बीएसपी/जीएम/पीएलजी/भूमि/405 तारीख 17 मार्च, 2011 का निरीक्षण कलेक्टर, राहडोल (मध्य प्रदेश) के कार्यालय में या कोयला निगमक, 1, काउंसिल हाउस स्ट्रीट, कोलकाता-700001 के कार्यालय में या साउथ ईस्टर्न कोलफिल्ड्स लिमिटेड (राजस्व अनुभाग), सीपत रोड, बिलासपुर-495006 (छत्तीसगढ़) के कार्यालय में किया जा सकता है।

अनुसूची

राजेन्द्र भूमिगत खदान ब्लॉक, सोहागपुर क्षेत्र

जिला—राहडोल (मध्य प्रदेश)

(रेखांक संख्या—एसईसीएल/बीएसपी/जीएम/पीएलजी/भूमि/405 तारीख 17 मार्च, 2011)

भू-सतह अधिकार :

क्रम सं.	ग्राम का नाम	पटवारी हल्का नम्बर	बंदोबस्त नम्बर	तहसील का नाम	जिला का नाम	क्षेत्र हेक्टर में	टिप्पणियां
1.	छिरीहीटी	99	316	सोहागपुर	शहडोल	12.418	भाग

कुल क्षेत्र :- 12.418 हेक्टर (लगभग)
या 30.68 हेक्टर (लगभग)

1. ग्राम छिरीहीटी (भाग) में अर्जित किए जाने वाले प्लॉट संख्या :

35 से 37, 38(भाग), 75(भाग), 76(भाग), 77(भाग), 78(भाग), 83(भाग), 84(भाग), 85 से 93.

सीमा वर्णन :-

- क-ख रेखा ग्राम छिरीहीटी में बिन्दु "क" से आरंभ होती है और प्लॉट संख्या 75, 76, 77, 78, 84, 83 से गुजरती है और बिन्दु "ख" पर मिलती है ।
- ख-ग रेखा ग्राम छिरीहीटी के प्लॉट संख्या 38 से होकर प्लॉट संख्या 36 के भागतः उत्तरी सीमा और 35 के उत्तरी सीमा से होती हुई जाती है और बिन्दु "ग" पर मिलती है ।
- ग-घ रेखा ग्राम छिरीहीटी के प्लॉट संख्या 35, 88, 87, 89 के पूर्वी सीमा से होती हुई जाती है और बिन्दु "घ" पर मिलती है ।
- घ-ङ रेखा ग्राम छिरीहीटी के प्लॉट संख्या 89, 90, 93, 92 के दक्षिणी सीमा से होती हुई जाती है और बिन्दु "ङ" पर मिलती है ।
- ङ-क रेखा ग्राम छिरीहीटी के प्लॉट संख्या 92, 78 के दक्षिणी सीमा और प्लॉट संख्या 75 के भागतः दक्षिणी सीमा से गुजरती हुई जाती है और आरंभिक बिन्दु "क" पर मिलती है ।

[फा. सं. 43015/05/2010-पीआरआईडब्ल्यू-1]

एस. सी. भाटिया, निदेशक

New Delhi, the 6th September, 2011

S.O. 2521.—Whereas by the notification of the Government of India in the Ministry of Coal number S.O. 3053 dated the 15th December, 2010, issued under sub-section (1) of Section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in the Gazette of India, Part II, Section 3, Sub-section (ii) dated the 18th December, 2010, the Central Government gave notice of its intention to acquire lands measuring 12.418 hectares (approximately) or 30.68 acres (approximately) as surface rights in or over such lands specified in the Schedule appended to that notification ;

And whereas, the competent authority in pursuance of Section 8 of the said Act has made his report to the Central Government ;

And whereas, the Central Government after considering the aforesaid report and after consulting the Government of Madhya Pradesh, is satisfied that the lands measuring 12.418 hectares (approximately) or 30.68 acres (approximately) as surface rights in or over such lands as described in the Schedule appended hereto, should be acquired ;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby declares that the lands measuring 12.418 hectares (approximately) or 30.68 acres (approximately) as surface rights in or over such lands as described in the Schedule, are hereby acquired.

The plan bearing number SECL/BSP/GM/PLG/LAND/405 dated the 17th March, 2011 of the area covered by this notification may be inspected at the Office of the Collector, Shahdol (Madhya Pradesh) or at the office of the Coal Controller, 1, Council House Street, Kolkata-700001 or at the Office of the South Eastern Coalfields Limited (Revenue Section), Seepat Road, Bilaspur-495006 (Chhattisgarh).

SCHEDULE

Rajendra Underground Mine Block, Sohagpur Area

District—Shahdol (Madhya Pradesh)

(Plan bearing number SECL/BSP/GM/PLG/LAND/405 dated the 17th March, 2011)

Surface Rights :

Sl. No.	Name of Village	Patwari halka Number	Bandobast Number	Name of Tehsil	Name of District	Area in hectares	Remarks
1.	Chhirihiti	99	316	Sohagpur	Shahdol	12.418	Part

Total :- 12.418 hectares (approximately)
or 30.68 acres (approximately)

1. Plot Numbers to be acquire in village Chhirihiti (Part) :

35 to 37, 38 (Part), 75 (Part), 76 (Part), 77 (Part), 78 (Part), 83 (Part), 84 (Part), 85 to 93.

Boundary Description :

A-B	Line starts from point 'A' in village Chhirihiti and passes through plot number 75, 76, 77, 78, 84, 83 and meets at point 'B'.
B-C	Line passes in village Chhirihiti through plot number 38, along partly northern boundary of plot number 36, northern boundary of plot number 35 and meets at point 'C'.
C-D	Line passes in village Chhirihiti along eastern boundary of plot number 35, 88, 87, 89 and meets at point 'D'.
D-E	Line passes in village Chhirihiti along southern boundary of plot number 89, 90, 93, 92, and meets at point 'E'.
E-A	Line passes in village Chhirihiti along southern boundary of plot number 92, 78, partly southern boundary of plot number 75 and meets at starting point 'A'.

[F. No. 43015/05/2010-PRIW-I]

S. C. BHATIA, Director

आदेश

नई दिल्ली, 7 सितम्बर, 2011

का.आ. 2522.—कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 9 की उप-धारा (1) के अधीन जारी भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का.आ. 3052 तारीख, 10 दिसम्बर, 2010, जो भारत के राजपत्र, भाग II, खंड 3, उपखंड (ii), तारीख 18 दिसम्बर, 2010 में प्रकाशित होने पर, उक्त अधिसूचना से संलग्न अनुसूची में वर्णित भूमि और भूमि में या उस पर के सभी अधिकार (जिसे इसमें इसके पश्चात् उक्त भूमि कहा गया है) उक्त अधिनियम की धारा 10 की उप-धारा (1) के अधीन, सभी विल्लिंगों से मुक्त होकर, आत्यंतिक रूप से केन्द्रीय सरकार में निहित हो गए थे;

और, केन्द्रीय सरकार का यह समाधान हो गया है कि साउथ ईस्टर्न कोलफील्ड्स लिमिटेड, सीपत रोड, डाकघर संख्या 60, जिला—बिलासपुर—495006 (जिसे इसमें इसके पश्चात् उक्त सरकारी कम्पनी कहा गया है), ऐसे निबंधनों और शर्तों का, जो केन्द्रीय सरकार इसे निमित्त अधिरोपित करना उचित समझे, अनुपालन करने के लिये तैयार है ;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 11 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि इस प्रकार निहित उक्त 2035.935 हेक्टर (लगभग) भूमि और उस पर के सभी अधिकार, तारीख 18 दिसम्बर, 2010 से केन्द्रीय सरकार में इस प्रकार निहित बने रहने के सिवाय, निम्नलिखित निबंधनों और शर्तों के अधीन रहते हुए, उक्त सरकारी कम्पनी में निहित हो जाएंगे, अर्थात् :-

- (1) सरकारी कम्पनी, उक्त अधिनियम के उपबंधों के अधीन यथा अवधारित प्रतिकर, ब्याज, नुकसानों और वैसी ही मदों की बाबत किए गए सभी संदायों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी ;
- (2) सरकारी कम्पनी द्वारा शर्त (1) के अधीन, केन्द्रीय सरकार को संदेय रकमों का अवधारण करने के प्रयोजन के लिये उक्त अधिनियम की धारा 14 के अधीन एक अधिकरण का गठन किया जाएगा तथा ऐसे किसी अधिकरण और ऐसे अधिकरण की

सहायता करने के लिये नियुक्त व्यक्तियों के संबंध में उपगत सभी व्यय, उक्त कम्पनी द्वारा वहन किये जायेंगे और इसी प्रकार निहित उक्त भूमि में या उस पर के अधिकार के लिये या उसके संबंध में जैसे अपील आदि सभी विधिक कार्यवाहियों की बाबत उपगत, सभी व्यय भी, इसी प्रकार सरकारी कम्पनी द्वारा वहन किये जाएंगे;

- (3) सरकारी कम्पनी, केन्द्रीय सरकार या उसके पदधारियों की, ऐसे किसी अन्य व्यय के संबंध में, क्षतिपूर्ति करेगी जो इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के बारे में, केन्द्रीय सरकार या उसके पदधारियों द्वारा या उनके विरुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हो;
- (4) सरकारी कम्पनी को, केन्द्रीय सरकार के पूर्व अनुमोदन के बिना, उक्त भूमि और भूमि में या उसके ऊपर इस प्रकार निहित अधिकार को किसी अन्य व्यक्ति को अंतरित करने की शक्ति नहीं होगी; और
- (5) सरकारी कम्पनी, ऐसे निदेशों और शर्तों का, जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हो, उक्त भूमि के विशिष्ट क्षेत्रों के लिये दिए जाएं या अधिरोपित की जाए, पालन करेगी।

[फा. सं. 43015/11/2006-पीआरआईडब्ल्यू-I (खंड-II)]

एस. सी. भाटिया, निदेशक

ORDER

New Delhi, the 7th September, 2011

S.O. 2522.—Whereas on the publication of the notification of the Government of India in the Ministry of Coal number S.O. 3052, dated the 10th December, 2010, published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 18th December, 2010 issued under sub-section (1) of Section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the land and all rights in or over the land described in the Schedule appended to the said notification (hereinafter referred to as the said land) vested absolutely in the Central Government free from all encumbrances under sub-section (1) of Section 10 of the said Act;

And, whereas, the Central Government is satisfied that the South Eastern Coalfields Limited, Seepat Road, Post Box Number 60, District-Bilaspur-495006 (hereinafter referred to as the Government Company) is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 11 of the said Act, the Central Government hereby direct that all rights of 2035.935 hectares land in or over the said lands so vested shall with effect from 18th December, 2010 instead of continuing to so vest in the Central Government shall vest in the Government Company subject to the following terms and conditions, namely :—

- (1) The Government Company shall reimburse to the Central Government all payments made in respect of compensation, interest, damages and the like, as determined under the provisions of the said Act;
- (2) A Tribunal shall be constituted under Section 14 of the said Act, for the purpose of determining the amounts payable to the Central Government by the Government Company under condition (1) and all expenditure incurred in connection with any such tribunal and persons appointed to assist the tribunal shall be borne by the Government Company, and similarly, all expenditure incurred in respect of all legal proceedings like appeals etc. for or in connection with the rights in or over the said lands so vested, shall also be borne by the Government Company;
- (3) The Government Company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials regarding the rights in or over the said lands so vested;
- (4) The Government Company shall have no power to transfer the said lands to any other person without the prior approval of the Central Government;
- (5) The Government Company shall abide by such direction and conditions as may be given or imposed by the Central Government for particular areas of the said lands as and when necessary.

[F. No. 43015/11/2006-PRIW-I (Vol.-II)]

S. C. BHATIA, Director

आदेश

नई दिल्ली, 12 सितम्बर, 2011

का.आ. 2523.—कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 9 की उप-धारा (1) के साथ अधीन जारी भारत के राजपत्र, भाग II, खंड 3, उपखंड (ii), तारीख 6 नवम्बर, 2010 में प्रकाशित भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का.आ. 2746, तारीख 29 अक्टूबर, 2010 पर उक्त अधिसूचना से संलग्न अनुसूची में वर्णित भूमि और ऐसी भूमि (जिसे इसमें इसके पश्चात् उक्त भूमि कहा गया है) के प्रकाशन में या उस पर के सभी अधिकार उक्त अधिनियम की धारा 10 की उप-धारा (1) के अधीन, सभी विल्लंगमों से मुक्त होकर, आत्यंतिक रूप से केन्द्रीय सरकार में निहित हो गए थे;

और केन्द्रीय सरकार का यह समाधान हो गया है कि वेस्टर्न कोलफील्ड्स लिमिटेड, नागपुर (जिसे इसमें इसके पश्चात् उक्त सरकारी कम्पनी कहा गया है), ऐसे निबंधनों और शर्तों का अनुपालन करने के लिए, जो केन्द्रीय सरकार इस निमित्त अधिरोपित करना उचित समझे ;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 11 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि इस प्रकार निहित भूमि और उक्त भूमि में या उस पर के सभी अधिकार, तारीख 6 नवम्बर, 2010 से केन्द्रीय सरकार में इस प्रकार निहित बने रहने के सिवाय, निम्नलिखित निबंधनों और शर्तों के अधीन रहते हुए, सरकारी कंपनी में निहित हो जाएंगे, अर्थात् :-

- (1) उक्त सरकारी कंपनी, उक्त अधिनियम के उपबंधों के अधीन यथा अवधारित प्रतिकर, ब्याज, नुकसानियों और वैसी ही मदों की बाबत किए गए सभी सदायों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी ;
- (2) सरकारी कंपनी द्वारा शर्त (1) के अधीन, केन्द्रीय सरकार को संदेय रकमों का अवधारण करने के प्रयोजन के लिये उक्त अधिनियम की धारा 14 के अधीन एक अधिकरण का गठन किया जाएगा तथा ऐसे किसी अधिकरण और ऐसे अधिकरण की सहायता करने के लिये नियुक्त व्यक्तियों के संबंध में उपगत सभी व्यय, उक्त सरकारी कंपनी द्वारा वहन किये जाएंगे और इसी प्रकार निहित उक्त भूमि में या उस पर के अधिकार के लिये या उनके संबंध में अपीलों आदि सभी विधिक कार्यवाहियों की बाबत उपगत, सभी व्यय भी, सरकारी कम्पनी द्वारा वहन किए जाएंगे ;
- (3) उक्त सरकारी कंपनी, केन्द्रीय सरकार या उसके पदधारियों की, ऐसे किसी अन्य व्यय के संबंध में, क्षतिपूर्ति करेगी जो इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के बारे में, केन्द्रीय सरकार या उसके पदधारियों द्वारा या उनके विरुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हो ;
- (4) उक्त सरकारी कंपनी को, केन्द्रीय सरकार के पूर्व अनुमोदन के बिना, उक्त भूमि और अधिकारों को किसी अन्य व्यक्ति को अंतरित करने की शक्ति नहीं होगी ; और
- (5) सरकारी कंपनी, ऐसे निदेशों और शर्तों का पालन करेगी, जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हो, उक्त भूमि के विशिष्ट क्षेत्रों के लिये दिए जाएं या अधिरोपित किए जाएं ।

[फा. सं. 43015/14/2009-पीआरआईडब्ल्यू-1]

एस. सी. भाटिया, निदेशक

ORDER

New Delhi, the 12th September, 2011

S.O. 2523.—Whereas on the publication of the notification of the Government of India in the Ministry of Coal, number S.O. 2746, dated the 29th October, 2010, published in Part II, Section 3, Sub-section (ii) of the Gazette of India, dated the 6th November, 2010, issued under sub-section (i) of Section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the land and all rights in or over the land described in the Schedule appended to the said notification (hereinafter referred to as the said land) vested absolutely in the Central Government free from all encumbrances under sub-section (i) of Section 10 of the said Act ;

And, whereas, the Central Government is satisfied that the Western Coalfields Limited, Nagpur (hereinafter referred to as the said Government Company) is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf ;

Now therefore, in exercise of the powers conferred by sub-section (1) of Section 11 of the said Act, the Central Government hereby direct that the said land and rights in or over the said land so vested shall with effect from 6th November, 2010 instead of continuing to so vest in the Central Government, shall vest in the Government Company, subject to the following terms and conditions, namely :—

- (1) The Government Company shall reimburse to the Central Government all payments made in respect of compensation, interest, damages and the like, as determined under the provisions of the said Act ;
 - (2) A Tribunal shall be constituted under Section 14 of the said Act, for the purpose of determining the amounts payable to the Central Government by the said Government Company under condition (1) and all expenditure incurred in connection with any such tribunal and persons appointed to assist the tribunal shall be borne by the said Government Company and similarly, all expenditure incurred in respect of all legal proceedings like appeals, etc. for or in connection with the rights, in or over the said lands, so vested, shall also be borne by the said Government Company ;
 - (3) The Government Company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials regarding the rights in or over the said lands so vested ;
 - (4) The Government Company shall have no power to transfer the said lands to any other person without the prior approval of the Central Government ; and
- The Government Company shall abide by such direction and conditions as may be given or imposed by the Central Government for particular areas of the said lands, as and when necessary.

[F. No. 43015/14/2009-PRIW-I]

S. C. BHATIA, Director

आदेश

नई दिल्ली, 12 सितम्बर, 2011

का.आ. 2524.—कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 9 की उप-धारा (1) के अधीन जारी भारत के राजपत्र, भाग II, खंड 3, उपखंड (ii), तारीख 27 नवम्बर, 2010 में प्रकाशित भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का.आ. 2921, तारीख 22 नवम्बर, 2010 पर उक्त अधिसूचना से संलग्न अनुसूची में वर्णित भूमि और ऐसी भूमि, जिसे इसमें इसके पश्चात् उक्त भूमि कहा गया है, के प्रकाशन में या उस पर के सभी अधिकार, उक्त अधिनियम की धारा 10 की उप-धारा (1) के अधीन, सभी विल्लंगमों से मुक्त होकर, आत्यंतिक रूप से केन्द्रीय सरकार में निहित हो गए थे ;

और, केन्द्रीय सरकार का यह समाधान हो गया है, कि वेस्टर्न कोलफील्ड्स लिमिटेड, नागपुर (जिसे इसमें इसके पश्चात् उक्त सरकारी कम्पनी कहा गया है), ऐसे निबंधनों और शर्तों का अनुपालन करने के लिए, जो केन्द्रीय सरकार इसे निमित्त अधिरोपित करना उचित समझे ;

अतः, अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 की धारा 11 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है, कि इस प्रकार निहित भूमि 740.85 हेक्टर (लगभग) या 1830.64 एकड़ (लगभग) माप वाली उक्त भूमि और उक्त भूमि में या उस पर के सभी अधिकार तारीख 27 नवम्बर, 2010 से केन्द्रीय सरकार में इस प्रकार निहित बने रहने के बजाय, निम्नलिखित निबंधनों और शर्तों के अधीन रहते हुए, सरकारी कंपनी में निहित हो जाएंगे, अर्थात् :—

- (1) सरकारी कंपनी, उक्त अधिनियम के उपबंधों के अधीन यथा अवधारित प्रतिकर, ब्याज, नुकसानियों और वैसी ही मदों के संबंध में किए गए सभी संदायों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी ;
- (2) शर्त (1) के अधीन सरकारी कम्पनी द्वारा केन्द्रीय सरकार को संदेय रकमों का अवधारण करने के प्रयोजन के लिये उक्त अधिनियम की धारा 14 के अधीन एक अधिकरण का गठन किया जाएगा तथा ऐसे किसी अधिकरण और अधिकरण की सहायता करने के लिये नियुक्त व्यक्तियों के संबंध में उपगत सभी व्यय, सरकारी कंपनी द्वारा वहन किये जाएंगे और इसी प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के लिये या उनके संबंध में अपीलों आदि जैसी सभी विधिक कार्यवाहियों की बाबत उपगत, सभी व्यय भी, सरकारी कम्पनी द्वारा वहन किए जाएंगे ;

- (3) सरकारी कंपनी, केन्द्रीय सरकार या उसके पदधारियों की, ऐसे किसी अन्य व्यय के संबंध में क्षतिपूर्ति करेगी, जो इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के बारे में, केन्द्रीय सरकार या उसके पदधारियों द्वारा या उनके विरुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हो ;
- (4) सरकारी कंपनी को केन्द्रीय सरकार के पूर्व अनुमोदन के बिना उक्त भूमि और अधिकारों को किसी अन्य व्यक्ति को अंतरित करने की शक्ति नहीं होगी ; और
- (5) सरकारी कंपनी, ऐसे निर्देशों और शर्तों का पालन करेगी, जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हो, उक्त भूमि के विशिष्ट क्षेत्रों के लिये दिए जाएं या अधिरोपित किए जाएं ।

[फा. सं. 43015/12/2006-पीआरआईडब्ल्यू-I (खण्ड-II)]

एस. सी. भाटिया, निदेशक

ORDER

New Delhi, the 12th September, 2011

S.O. 2524.—Whereas on the publication of the notification of the Government of India in the Ministry of Coal, number S.O. 2921, dated the 22nd November, 2010, published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 27th November, 2010, issued under sub-section (1) of Section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the land and all rights in or over the land described in the Schedule appended to the said notification (hereinafter referred to as the said land) vested absolutely in the Central Government free from all encumbrances under sub-section (1) of Section 10 of the said Act ;

And, whereas, the Central Government is satisfied that the Western Coalfields Limited, Nagpur (hereinafter referred to as the Government Company) is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf ;

Now therefore, in exercise of the powers conferred by sub-section (1) of Section 11 of the Coal Bearing Areas (Acquisition and Development) Act, 1957, the Central Government hereby direct that the said land measuring 740.85 hectares (approximately) or 1830.64 acres (approximately) and rights in or over the said land so vested shall with effect from 27th November, 2010 instead of continuing to so vest in the Central Government, shall vest in the Government Company, subject to the following terms and conditions, namely :—

- (1) The Government Company shall reimburse to the Central Government all payments made in respect of compensation, interest, damages and the like, as determined under the provisions of the said Act ;
- (2) A Tribunal shall be constituted under Section 14 of the said Act, for the purpose of determining the amounts payable to the Central Government by the Government Company under condition (1) and all expenditure incurred in connection with any such tribunal and persons appointed to assist the tribunal shall be borne by the Government Company and similarly, all expenditure incurred in respect of all legal proceedings like appeals, etc. for or in connection with the rights, in or over the said lands, so vested, shall also be borne by the Government Company ;
- (3) The Government Company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials regarding the rights in or over the said lands so vested ;
- (4) The Government Company shall have no power to transfer the lands to any other person without the prior approval of the Central Government ; and
- (5) The Government Company shall abide by such direction and conditions as may be given or imposed by the Central Government for particular areas of the said lands, as and when necessary.

[F. No. 43015/12/2006-PRJW-I (Vol. II)]

S. C. BHATIA, Director

नई दिल्ली, 13 सितम्बर, 2011

का.आ. 2525.—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 7 की उप-धारा (1) के अधीन जारी भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्या का.आ. 2056, तारीख 12 अगस्त, 2010, द्वारा जो भारत के राजपत्र, भाग II, खंड 3, उपखंड (ii), तारीख 21 अगस्त, 2010 में प्रकाशित की गई थी। उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र में ऐसी भूमि में या उस पर के सभी अधिकारों के अर्जन करने के अपने आशय की सूचना दी थी;

और सक्षम प्राधिकारी, ने उक्त अधिनियम की धारा 8 के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और, केन्द्रीय सरकार का, पूर्वोक्त रिपोर्ट पर विचार करने के पश्चात् और महाराष्ट्र सरकार से परामर्श करने के पश्चात् यह समाधान हो गया है कि इससे संलग्न अनुसूची में यथावर्णित 467.21 हेक्टर (लगभग) या 1154.51 एकड़ (लगभग) माप वाली भूमि और ऐसी भूमि में या उस पर के सभी अधिकार अर्जित किए जाने चाहिए ;

अतः, अब, केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 9 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि अनुसूची में वर्णित 467.21 हेक्टर (लगभग) या 1154.51 एकड़ (लगभग) माप वाली भूमि में या उस पर के सभी अधिकार अर्जित किए जाते हैं।

इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र के रेखांक संख्या सी-1(ई)/III/जेआर/851-111, तारीख 21 जनवरी, 2011 का निरीक्षण कलेक्टर, चंद्रपुर (महाराष्ट्र) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कोलकाता-700 001 के कार्यालय में या महाप्रबंधक, वेस्टर्न कोलफील्ड्स लिमिटेड (राजस्व विभाग), कोल एस्टेट, सिविल लाइन्स, नागपुर-440 001 (महाराष्ट्र) के कार्यालय में किया जा सकता है।

अनुसूची

भटाडी विस्तार ओपनकास्ट खान

चंद्रपुर क्षेत्र

जिला-चंद्रपुर (महाराष्ट्र)

(रेखांक संख्या सी-1(ई)/III/जेआर/851-111, तारीख 21 जनवरी, 2011)

क्रम संख्या	ग्राम का नाम	पटवारी सर्कल संख्या	तहसील	जिला	क्षेत्रफल हेक्टर में	टिप्पणी
1.	पायली भटाडी	12	चंद्रपुर	चंद्रपुर	270.04	भाग
2.	कीटाडी (राय)	12	चंद्रपुर	चंद्रपुर	51.14	भाग
3.	चांदलासुर्ला	11	चंद्रपुर	चंद्रपुर	68.15	भाग
4.	तिरवंगा चक	34	भद्रावती	चंद्रपुर	77.88	भाग

कुल : 467.21 हेक्टर

(लगभग)

या 1154.51 हेक्टर

(लगभग)

ग्राम पायली भटाडी में अर्जित किए जाने वाले प्लॉट संख्याएं :

44, 45, 46, 47/1, 47/2, 47/3, 47/4, 48, 49, 50, 51, 52, 53, 54, 55, 56/1, 56/2, 59/1, 59/2, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69/1, 69/2क, 69/2ख, 69/3, 70/1, 70/2, 70/3, 70/4, 70/5, 71/1 भाग, 71/2, 71/3, 71/4, 72/1क, 72/2, 72/2ख, 72/3, 73, 74, 75, 76, 77, 78, 79, 80, 81/1, 81/1क, 81/2, 81/3, 98, 99/1, 99/2, 99/3, 99/4, 99/5, 100, 101/1, 101/2, 102/1, 102/2, 102/3, 113, 114, 115, 116, 117, 118, 119/1, 119/2, 119/3, 123, 124/1, 124/2, 125/1, 125/2, 125/3, 176, 177, 178, 179, 180, 181, 199/1, 200, 201, 202, 203, 204, 205/1, 206 (सरकारी), 206/1, 206/2, 206/3, 206/4, 206/5, 206/6, 206/7, 206/8, 206/9, 206/10, 206/11, 206/12, 206/13, 206/14, 206/15, 206/16, 206/17, 207, 208/1, 209/1, 210, 211, 212, 213, 214/1, 214/2क,

214/3ख, 215, 216/1क, 216/1ख, 216/2, 216/3, 217/1, 217/2, 218, 219/1, 219/2, 220/1, 220/2, 220/3, 220/4क, 220/4ख, 221, 222/1, 222/2, 223/1, 223/2, 224/1, 224/2, 224/3, 224/4, 224/5, 224/6, 224/7, 225, 226/1, 226/1क, 226/1ख, 226/1ग, 226/2क, 226/2ख, 226/2ग, 226/2, 227/1, 228/1, 228/2, 228/3, 229, 230, 231/1, 232, 233, 234, 235/1, 235/2, 236, 237/1, 237/2, 238/1, 238/2, 238/3, 239/1, 239/2, 240/1, 240/2, 241, 242/1, 242/2, 242/3, 242/4; 243, 244, 245, 246/1क, 246/2ख, 247/1, 247/2, 248/1क, 248/2, 248/2ख, 249, 250, 251 (वन), 252, 253, 254, 255 (सरकारी), 256/1, 256/2, 256/3, 256/4, 257/1, 257/2, 258 (सरकारी), 259, 260, 261, 262, 263, 264/1, 264/2, 264/3, 264/4, 265/1, 265/2, 266/1क, 266/1ख, 266/2, 266/3, 266/4, 266/4क, 266/5 (सरकारी), 267/1, 267/2, आबादी (भाग), सड़क (भाग), नदी (भाग), नाला (भाग)।

ग्राम किटाडी (राय) में अर्जित किए जाने वाले प्लॉट संख्यांक :

18, 19, 20/1, 20/1ख, 20/2, 20/3, 21/1, 21/2, 21/3, 22/1, 22/2, 22/3, 23, 24, 25, 26, 27/1, 27/2, 28, 29, 34/1, 34/2, 34/3, 34/4, 34/5, सड़क (भाग), नाला (भाग), नदी (भाग)।

ग्राम चांदलासुर्ला में अर्जित किए जाने वाले प्लॉट संख्यांक :

63/1, 63/2, 64, 65, 71/1, 71/2, 71/3, 71/4, 71/5, 71/6, 71/7, 79, 80, 81, 82, 83, 84/1, 84/2, 85, 86/1क, 86/1ख, 86/1ग, 86/2, 87/1, 87/2, 87/3, 88/1, 88/2, 88/3, 89, 90, 91, 92/1क, 92/1ख, 92/2 (सड़क), 93/1, 93/2 (सड़क), 94/1, 94/2 (सड़क), 97, 98/1, 98/2, 99, 100, 101/1, 101/2, 102, 103, 104, 105, नाला (भाग)।

ग्राम तिरवंजा चक में अर्जित किए जाने वाले प्लॉट संख्यांक :

124/1, 124/2, 124/3, 124/4, 124/5, 135/1, 135/2, 136, 137, 138/1, 138/2, 138/3, 139, 140/1, 140/2, 142/1, 142/2, 142/3, 176/1, 176/2, 177, 178/1, 178/2, 178/3, 191, 192, 193, 194, 195, 196, 197, 198, 199/1, 199/2, 200, 201/1क, 201/1ख, 201/2, 202, 204/1, 204/2, 204/3, 205/1, 205/2, 208।

सीमा वर्णन :

क - ख : रेखा बिन्दु 'क' से आरंभ होती है और ग्राम तिरवंजा चक के प्लॉट संख्यांक 142/1, 176/1 की बाह्य सीमा से गुजरती है और ग्राम तिरवंजा चक तथा ग्राम पायली भटाडी की सम्मिलित ग्राम सीमा को पार करती हुई ग्राम पायली भटाडी के प्लॉट संख्यांक 52, 51 की बाह्य सीमा के साथ गुजरती है और सड़क पार करती हुई प्लॉट संख्यांक 47/1, 46, 45, 44 की बाह्य सीमा के साथ गुजरती हुई बिन्दु 'ख' पर मिलती है।

ख - ग : रेखा ग्राम पायली भटाडी से प्लॉट संख्यांक 44, 70/1, 71/1, 72/1क, 102/1 की बाह्य सीमा से गुजरती हुई सड़क पार करती है और सड़क तथा प्लॉट संख्या 113 की बाह्य सीमा के साथ गुजरती हुई पुनः सड़क पार करती है और प्लॉट संख्यांक 267/1, 266/1क, 266/1ख, 266/2, 266/5 की बाह्य सीमा से लगकर गुजरती हुई इराई नदी तथा ग्राम पायली भटाडी एवं ग्राम किटाडी की सम्मिलित ग्राम सीमा को पार करती है और ग्राम किटाडी के प्लॉट संख्यांक 34/1, 34/2, 34/3, 34/4, 34/5 की बाह्य सीमा से गुजरती हुई बिन्दु 'ग' पर मिलती है।

ग - घ : रेखा ग्राम किटाडी से प्लॉट संख्यांक 34/5, 29 (नाला), 18, 19, 20/1, 20/1ख, 20/3 की बाह्य सीमा से गुजरती हुई नाला पार कर इराई नदी की बाह्य सीमा के साथ गुजरती हुई बिन्दु 'घ' पर मिलती है।

घ - ङ : रेखा ग्राम किटाडी से गुजरती हुई इराई नदी तथा ग्राम किटाडी और ग्राम पायली भटाडी की सम्मिलित ग्राम सीमा को पार करती हुई ग्राम पायली भटाडी में इराई नदी तथा प्लॉट संख्यांक 225, 224/6, 224/7, 223/1, 223/2 की बाह्य सीमा से गुजरती हुई ग्राम पायली भटाडी एवं ग्राम चांदलासुर्ला की सम्मिलित ग्राम सीमा को पार करती हुई ग्राम चांदलासुर्ला से इराई नदी तथा प्लॉट संख्यांक 101/1, 101/2, 102, 103, 104, 105 की बाह्य सीमा के साथ गुजरती हुई बिन्दु 'ङ' पर मिलती है।

ङ - च : रेखा ग्राम चांदलासुर्ला से प्लॉट संख्यांक 105, 99, 98/2, 97, 94/1 की बाह्य सीमा के साथ सड़क पार करती हुई प्लॉट संख्यांक 93/1, 63/2, 63/1, 64, 65, 86/2, 86/1ख, 71/6, 71/7 की बाह्य सीमा से गुजरती हुई ग्राम चांदलासुर्ला तथा ग्राम तिरवंजा चक की सम्मिलित ग्राम सीमा को पार करती हुई ग्राम तिरवंजा चक के प्लॉट संख्यांक 205/2, 205/1, 208, 200 की बाह्य सीमा से गुजरती हुई बिन्दु 'च' पर मिलती है।

च - छ : रेखा ग्राम तिरवंजा चक से सड़क तथा प्लॉट संख्यांक 200, 199/2, 199/1, 198, 197, 196, 195, 124/1, 124/5 की बाह्य सीमा से गुजरती हुई बिन्दु 'छ' पर मिलती है।

- छ - ज : रेखा ग्राम तिरवंगा चक से प्लॉट संख्यांक 124/5, 124/4, 191, 192, 193, 202, 204/1 की बाह्य सीमा से गुजरती हुई ग्राम तिरवंगा चक तथा ग्राम चांदलासुर्ला की सम्मिलित ग्राम सीमा को पार करती हुई ग्राम चांदलासुर्ला के प्लॉट संख्यांक 71/1, 71/2 की बाह्य सीमा से गुजरती हुई नाला पार कर प्लॉट संख्यांक 79, 80, 81, 83, 84/1, 84/2, 88/1 की बाह्य सीमा के साथ गुजरती हुई बिन्दु 'ज' पर मिलती है ।
- ज - झ : रेखा ग्राम पायली भटाडी से प्लॉट संख्यांक 202, 201, 200, 199/1, 205/1, 208/1, 209/1 की बाह्य सीमा के साथ गुजरती हुई सड़क पार कर प्लॉट संख्यांक 231/1, 228/1, 228/2, 228/3, 227/1, 226/2क, 226/2ख, 226/2ग, 226/2 तथा इराई नदी की बाह्य सीमा के साथ गुजरती हुई बिन्दु 'झ' पर मिलती है ।
- झ - ज : रेखा ग्राम पायली भटाडी से प्लॉट संख्यांक 240/2, 239/2, 238/3, 237/2, 237/1, 236, 232 की बाह्य सीमा से गुजरती हुई सड़क पार करती है और प्लॉट संख्यांक 207, 206, 181 की बाह्य सीमा के साथ गुजरती हुई बिन्दु 'ज' पर मिलती है ।
- ज - ट : रेखा ग्राम पायली भटाडी से प्लॉट संख्या 181 की बाह्य सीमा से गुजरती हुई सड़क पार करती है और प्लॉट संख्यांक 176, 177, 125/3, 125/2, 125/1, 123 तथा सड़क की बाह्य सीमा से गुजरती हुई प्लॉट संख्यांक 119/3 को पार करती हुई प्लॉट संख्यांक 98, 99/5, 99/4, 99/3, 99/2, 99/1 की बाह्य सीमा के साथ गुजरती हुई बिन्दु 'ट' पर मिलती है ।
- ट - ठ : रेखा ग्राम पायली भटाडी से प्लॉट संख्यांक 75, 76, 77, 78, 79, 80, 81/1क, 81/3 तथा सड़क एवं प्लॉट संख्यांक 59/2, 59/1, 56/2 की बाह्य सीमा के साथ तथा ग्राम पायली भटाडी एवं ग्राम तिरवंगा चक की सम्मिलित ग्राम सीमा से गुजरती हुई ग्राम तिरवंगा चक की प्लॉट संख्यांक 178/1, 178/2, 178/3, 138/3, 138/1, 137, 136, 135/2 की बाह्य सीमा के साथ गुजरती है और बिन्दु 'ठ' पर मिलती है ।
- ठ - क : रेखा ग्राम तिरवंगा मोकासा और ग्राम तिरवंगा चक की सम्मिलित ग्राम सीमा से गुजरती हुई ग्राम तिरवंगा चक के प्लॉट संख्यांक 135/2, 135/1, 140/2, 140/1, 142/3, 142/2, 142/1 की बाह्य सीमा के साथ गुजरती हुई आरंभिक बिन्दु 'क' पर मिलती है ।

[फा. सं. 43015/27/2008-पीआरआई डब्ल्यू-1]

एस. सी. भाटिया, निदेशक

New Delhi, the 13th September, 2011

S.O. 2525.—Whereas by the notification of the Government of India in the Ministry of Coal number S.O. 2056 dated the 12th August, 2010, issued under sub-section (i) of Section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in the Gazette of India, Part II, Section 3, Sub-section (ii) dated the 21st August, 2010, the Central Government gave notice of its intention to acquire the lands and all rights in or over such lands in the locality specified in the Schedule annexed to that notification ;

And, whereas, the competent authority in pursuance of Section 8 of the said Act, has made his report to the Central Government ;

And, whereas, the Central Government after considering the report aforesaid and after consulting to the Government of Maharashtra, is satisfied that the lands measuring 467.21 hectares (approximately) or 1154.51 acres (approximately) and all rights in or over such lands as described in the Schedule appended hereto, should be acquired ;

Now, therefore, in exercise of the powers conferred by sub-section (i) of Section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby declares that the land measuring 467.21 hectares (approximately) or 1154.51 acres (approximately) and all rights in or over such lands as described in Schedule are hereby acquired.

The plan bearing number C-1(E)-III/JR/851-111, dated the 21st January, 2011 of the area covered by this notification may be inspected at the Office of the Collector, Chandrapur (Maharashtra) or at the Office of the Coal Controller, 1, Council House Street, Kolkata-700 001 or at the Office of the General Manager, Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur-440 001 (Maharashtra).

SCHEDULE**Bhatadi Expansion Opencast Mine
Chandrapur Area****District— Chandrapur (Maharashtra)**

(Plan bearing number C-1(E)-III/JR/851-111, dated the 21st January, 2011)

Sl. No.	Name of Village	Patwari Circle number	Tashil	District	Area in hectares	Remarks
1.	Paili Bhatadi	12	Chandrapur	Chandrapur	270.04	Part
2.	Kitadi (Rai)	12	Chandrapur	Chandrapur	51.14	Part
3.	Chandlasurla	11	Chandrapur	Chandrapur	68.15	Part
4.	Tirwanja Chak	34	Bhadrawati	Chandrapur	77.88	Part

Total : 467.21 hectares
(approximately)
or
1154.51 acres
(approximately)

Plot numbers acquired in village Paili Bhatadi :

44, 45, 46, 47/1, 47/2, 47/3, 47/4, 48, 49, 50, 51, 52, 53, 54, 55, 56/1, 56/2, 59/1, 59/2, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69/1, 69/2A, 69/2B, 69/3, 70/1, 70/2, 70/3, 70/4, 70/5, 71/1, 71/1P, 71/2, 71/3, 71/4, 72/1A, 72/2, 72/2B, 72/3, 73, 74, 75, 76, 77, 78, 79, 80, 81/1, 81/1A, 81/2, 81/3, 98, 99/1, 99/2, 99/3, 99/4, 99/5, 100, 101/1, 101/2, 102/1, 102/2, 102/3, 113, 114, 115, 116, 117, 118, 119/1, 119/2, 119/3, 123, 124/1, 124/2, 125/1, 125/2, 125/3, 176, 177, 178, 179, 180, 181, 199/1, 200, 201, 202, 203, 204, 205/1, 206 (Govt.), 206/1, 206/2, 206/3, 206/4, 206/5, 206/6, 206/7, 206/8, 206/9, 206/10, 206/11, 206/12, 206/13, 206/14, 206/15, 206/16, 206/17, 207, 208/1, 209/1, 210, 211, 212, 213, 214/1, 214/2A, 214/3B, 215, 216/1A, 216/1B, 216/2, 216/3, 217/1, 217/2, 218, 219/1, 219/2, 220/1, 220/2, 220/3, 220/4A, 220/4B, 221, 222/1, 222/2, 223/1, 223/2, 224/1, 224/2, 224/3, 224/4, 224/5, 224/6, 224/7, 225, 226/1, 226/1A, 226/1B, 226/1C, 226/2A, 226/2B, 226/2C, 226/2, 227/1, 228/1, 228/2, 228/3, 229, 230, 231/1, 232, 233, 234, 235/1, 235/2, 236, 237/1, 237/2, 238/1, 238/2, 238/3, 239/1, 239/2, 240/1, 240/2, 241, 242/1, 242/2, 242/3, 242/4, 243, 244, 245, 246/1A, 246/2B, 247/1, 247/2, 248/1A, 248/2, 248/2B, 249, 250, 251 (Forest), 252, 253, 254, 255 (Govt.), 256/1, 256/2, 256/3, 256/4, 257/1, 257/2, 258 (Govt.), 259, 260, 261, 262, 263, 264/1, 264/2, 264/3, 264/4, 265/1, 265/2, 266/1A, 266/1B, 266/2, 266/3, 266/4, 266/4A, 266/5 (Govt.), 267/1, 267/2, Abadi (Part), Road (Part), River (Part), Nallah (Part).

Plot numbers acquired in village Kitadi (Rai) :

18, 19, 20/1, 20/1B, 20/2, 20/3, 21/1, 21/2, 21/3, 22/1, 22/2, 22/3, 23, 24, 25, 26, 27/1, 27/2, 28, 29, 34/1, 34/2, 34/3, 34/4, 34/5, Road (Part), Nallah (Part), River (Part).

Plot numbers acquired in village Chandlasurla :

63/1, 63/2, 64, 65, 71/1, 71/2, 71/3, 71/4, 71/5, 71/6, 71/7, 79, 80, 81, 82, 83, 84/1, 84/2, 85, 86/1A, 86/1B, 86/1C, 86/2, 87/1, 87/2, 87/3, 88/1, 88/2, 88/3, 89, 90, 91, 92/1A, 92/1B, 92/2 (Road), 93/1, 93/2 (Road), 94/1, 94/2 (Road), 97, 98/1, 98/2, 99, 100, 101/1, 101/2, 102, 103, 104, 105, Nallah (Part).

Plot numbers acquired in village Tirwanja Chak :

124/1, 124/2, 124/3, 124/4, 124/5, 135/1, 135/2, 136, 137, 138/1, 138/2, 138/3, 139, 140/1, 140/2, 142/1, 142/2, 142/3, 176/1, 176/2, 177, 178/1, 178/2, 178/3, 191, 192, 193, 194, 195, 196, 197, 198, 199/1, 199/2, 200, 201/1A, 201/1B, 201/2, 202, 204/1, 204/2, 204/3, 205/1, 205/2, 208.

Boundary Description :

A – B : Line starts from Point 'A' and passes in village Tirwanja Chak along the outer boundary of plot numbers 142/1, 176/1, and crosses the common village boundary of villages Tirwanja Chak and Paili Bhatadi then proceeds through village Paili Bhatadi and passes along the outer boundary of plot numbers 52, 51 crosses road, then proceed along with the outer boundary of plot numbers 47/1, 46, 45, 44 and meets at Point 'B'.

- B–C : Line passes through village Paili Bhatadi along the outer boundary of plot numbers 44, 70/1 71/1, 72/1A, 102/1, crosses road then passes along the outer boundary of road and plot number 113, crosses road then passes along with the outer boundary of plot numbers 267/1, 266/1A, 266/1B, 266/2, 266/5 and crosses the Erai River and common village boundary of villages Paili Bhatadi and Kitadi then passes through village Kitadi along the outer boundary of plot numbers 34/1, 34/2, 34/3, 34/4, 34/5 and meets at Point 'C'.
- C–D : Line passes through village Kitadi along the road and outer boundary of plot numbers 34/5, 29, Nallah, 18, 19, 20/1, 20/1B, 20/3, and then cross the Nallah and passes along the outer boundary of Erai River and meets at Point 'D'.
- D–E : Line passes through village Kitadi and crosses the Erai River and common village boundary of villages Kitadi and Paili Bhatadi then passes through village Paili Bhatadi along the outer boundary of Erai River and plot numbers 225, 224/6, 224/7, 223/1, 223/2, then crosses the common village boundary of villages Paili Bhatadi and Chandlasurla then passes through village Chandlasurla along the outer boundary of Erai River and plot numbers 101/1, 101/2, 102, 103, 104, 105 and meets at Point 'E'.
- E–F : Line passes through village Chandlasurla along the outer boundary of plot numbers 105, 99, 98/2, 97, 94/1, cross road along the plot numbers 93/1, 63/2, 63/1, 64, 65, 86/2, 86/1B, 71/6, 71/7, then crosses common village boundary of villages Chandlasurla and Tirwanja Chak then passes through village Tirwanja Chak along the outer boundary of plot numbers 205/2, 205/1, 208, 200 and meets at Point 'F'.
- F–G : Line passes through village Tirwanja Chak along the outer boundary of road and plot numbers 200, 199/2, 199/1, 198, 197, 196, 195, 124/1, 124/5, and meets at Point 'G'.
- G–H : Line passes through village Tirwanja Chak along the outer boundary of plot numbers 124/5, 124/4, 191, 192, 193, 202, 204/1, then crosses the common village boundary of villages Tirwanja Chak and Chandlasurla then passes through village Chandlasurla along the outer boundary of the plot numbers 71/1, 71/2, cross Nallah then passes along the outer boundary of plot numbers 79, 80, 81, 83, 84/1, 84/2, 88/1 and meets at Point 'H'.
- H–I : Line passes through village Paili Bhatadi along the outer boundary of plot numbers 202, 201, 200, 199/1, 205/1, 208/1, 209/1, crosses road then passes along with the outer boundary of plot numbers 231/1, 228/1, 228/2, 228/3, 227/1, 226/2A, 226/2B, 226/2C, 226/2 and outer boundary of Erai River and meets at Point 'I'.
- I–J : Line passes through village Paili Bhatadi along the outer boundary of plot numbers 240/2, 239/2, 238/3, 237/2, 237/1, 236, 232, crosses the road then proceed along with the outer boundary of plot numbers 207, 206, 181 and meets at Point 'J'.
- J–K : Line passes through village Paili Bhatadi along the outer boundary of plot number 181, crosses road, then passes along with the outer boundary of plot numbers 176, 177, 125/3, 125/2, 125/1, 123, and road, then passes through plot number 119/3 and along with the outer boundary of plot numbers 98, 99/5, 99/4, 99/3, 99/2, 99/1 and meets at Point 'K'.
- K–L : Line passes through village Paili Bhatadi along the outer boundary of plot numbers 75, 76, 77, 78, 79, 80, 81/1A, 81/3, Road, 59/2, 59/1, 56/2 and along the common village boundary of villages Paili Bhatadi and Tirwanja Chak and then passes through village Tirwanja Chak along the outer boundary of plot numbers 178/1, 178/2, 178/3, 138/3, 138/1, 137, 136, 135/2 and meets at Point 'L'.
- L–A : Line passes along the common village boundary of villages Tirwanja Mokasa and Tirwanja Chak then passes through village Tirwanja Chak along the outer boundary of plot numbers 135/2, 135/1, 140/2, 140/1, 142/3, 142/2, 142/1 and meets at starting Point 'A'.

नई दिल्ली, 13 सितम्बर, 2011

क्र. आ. 2526.—भारत सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि तमिलनाडु में तिरुतुनी के पास विजयवाडा-नैल्लोर-चैन्नई पाइपलाइन के टर्मिनल प्वाइंट से देश के विभिन्न हिस्सों में उपभोक्ताओं तक प्राकृतिक गैस के परिवहन के लिए मैसर्स रिलोजिसटिक्स इन्फ्रास्ट्रक्चर लिमिटेड द्वारा चैन्नई-बंगलौर-मंगलौर पाइपलाइन बिछाई जानी चाहिए;

और, भारत सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसके भीतर उक्त पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, भारत सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन जारी की गई अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाई जाने के लिए उपयोग के अधिकार के अर्जन के संबंध में श्री के.मल्लीनाथ, सक्षम प्राधिकारी, रिलोजिसटिक्स इन्फ्रास्ट्रक्चर लिमिटेड, 74, पांचवीं मंजिल, प्रेस्टीज फेरोज, कनिंगहम रोड, बंगलौर - 560 052, कर्नाटक राज्य को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तालुक : दोडवक्लापुर		जिला : बंगलूरु रूरल		राज्य : कर्नाटक		
गाँव का नाम	सर्वे सं./ सब डिविजन सं.	आर.ओ.यू.अर्जित करने के लिए क्षेत्रफल				
		हेक्टेयर	एयर	सि.एयर		
1	2	3	4	5		
1) कोळूरु	164	00	00	30		
	161	00	00	44		
2) गूळनंदीगुंड	सर्वे नं. 124 और 154 के बीच में ग्रामटाण	00	09	81		

क्र. आ. 2423(अ) दिनांक 30.09.2010 में 3(1) की अधिसूचना का अतिरिक्त क्षेत्रफल

क्र. आ. 2455 दिनांक 30.09.2010 में 3(1) की अधिसूचना का अतिरिक्त क्षेत्रफल

[फा सं. एल.-14014/64/2010-जी.पी.]

के. के. शर्मा, अवर सचिव

New Delhi, the 13th September, 2011

S. O. 2526.—Whereas it appears to Government of India that it is necessary in public interest that for transportation of natural gas from terminal point of Vijayawada-Nellore-Chennai pipeline near Tiruttani in TamilNadu to consumers in various parts of the country, Chennai - Bangalore - Mangalore pipeline should be laid by M/s Relogistics Infrastructure Limited;

And, whereas, it appears to Government of India that for the purpose of laying such pipeline, it is necessary to acquire the Right of User in land under which the said pipeline is proposed to be laid and which are described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), Government of India hereby declares its intention to acquire the Right of User therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of the notification as published in the Gazette of India under sub-section (1) of Section 3 of the said Act, are made available to the general public, object in writing to the acquisition of the Right of User therein for laying the pipeline under the land to ^{Sy. No.} K. Mallinath, Competent Authority, Relogistics Infrastructure Limited, #74, 5th Floor, Prestige Feroze, Cunningham Road, Bangalore-560052. Karnataka State.

Schedule

Taluk: Dodballapur		District: Bangalore Rural		State: Karnataka	
Village	Survey No./Sub-Division No.	Area to be acquired for RoU			
		Hec	Are	C-Are	
1	2	3	4	5	
1) Koluru	164	00	00	30	
	161	00	00	44	
2) Gulandigunda	Gramatana between Sy.No. 124 & 154	00	09	81	

[Additional Areas to 3(1) Notification SO 2423(E), dated 30/09/2010]

[Additional Areas to 3(1) Notification SO 2455, dated 30/09/2010]

[F. No. L-14014/64/2010-G.P.]
K. K. SHARMA, Under Secy.

नई दिल्ली, 15 सितम्बर, 2011

का. आ. 2527.—भारत सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 2194 तारीख 31 अगस्त, 2010 द्वारा, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में, मैसर्स रिलाएंस इन्डस्ट्रीज लिमिटेड के आन्ध्र प्रदेश में पूर्वी तट पर काकीनाडा स्थित अपतटीय गैस प्रसंस्करण टर्मिनल से देश के विभिन्न हिस्सों में उपभोक्ताओं तक प्राकृतिक गैस के परिवहन के लिए, मैसर्स रिलोजिस्टिक्स इन्फ्रास्ट्रक्चर लिमिटेड द्वारा विजयवाड़ा- नेल्लोर - चेन्नई गैस पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और, उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 02 जुलाई, 2011 को अथवा उससे पूर्व उपलब्ध करा दी गई थीं ;

और, पाइपलाइन बिछाने के सम्बन्ध में, जनता की ओर से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और अननुज्ञात कर दिया गया;

और, सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन भारत सरकार को अपनी रिपोर्ट दे दी है ;

और, भारत सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह संतुष्ट हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अर्पणित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः, अब, भारत सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और, भारत सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से भारत सरकार में निहित होने के बजाए, सभी विल्लंगनों से मुक्त, मैसर्स रिलोजिस्टिक्स इन्फ्रास्ट्रक्चर लिमिटेड में निहित होगा।

अनुसूची

मंडल/ तेहसिल/ तालुक : जलदंकी		जिला : श्री पोट्टि श्रीरामुलु नेल्लूरु		राज्य : आन्ध्र प्रदेश	
गाँव का नाम	सर्वे सं/सब डिविजन सं.	आर.ओ.यू. अर्जित करने के लिए क्षेत्रफल			
		हेक्टेयर	एयर	सि एयर	
1	2	3	4	5	
1) ब्राह्मनकाका	गट नंबर 575/1 और 1980 के बीच में रास्ता	00	00	37	
	141	00	00	67	
	145	00	89	28	
	160	00	48	92	
	163	00	70	69	
	164	00	22	64	
	166/1	00	06	12	
	167/1	00	40	39	
	167/2	00	20	08	
	178	00	21	11	
	181	00	50	63	
	194	00	50	97	
	197/2	00	10	00	
	198	00	16	28	
	1980	00	15	93	
	199	00	07	50	
	200	00	32	03	
	201	00	00	93	
	203	00	10	57	
	204	00	18	85	
	205	00	42	24	
	208	00	10	18	
	291	00	12	66	
	523/2	00	21	24	
	571	00	07	65	
	572	00	03	46	
	573/1	00	00	44	
	574	01	02	75	
	575/1	00	44	25	
	146/1ए	00	24	43	
	146/1बी	00	03	82	
	146/2	00	30	00	
	153/2	00	16	38	
	154/1	00	25	56	
	154/2	00	01	41	
2) ब्राह्मनकाका (निरंतर)	154/4	00	38	10	
	154/5	00	00	60	

[फा सं. एल.-14014/57/2009-जी.पी.]

क. क. शर्मा, अवर मन्त्रि

New Delhi, the 15th September, 2011

S. O. 2527.—Whereas by notification of Government of India in Ministry of Petroleum and Natural Gas number S.O. 2194 dated 31st August, 2010, issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), Government of India declared its intention to acquire the Right of User in the land, specified in the Schedule appended to that notification for the purpose of laying Vijayawada-Nellore-Chennai gas pipeline for transportation of natural gas from on-shore gas processing terminal at Kakinada on East coast of Andhra Pradesh of M/s Reliance Industries Limited by M/s Relogistics Infrastructure Limited to the consumers in various parts of the country;

And whereas, the copies of the said Gazette notification were made available to the public on or before *02nd July, 2011*;

And whereas, the objections received from the public to the laying of the pipeline have been considered and disallowed by the Competent Authority;

And whereas, the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government of India;

And whereas, Government of India, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the Right of User therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, Government of India hereby declares that the Right of User in the land, specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, Government of India hereby directs that the Right of User in the said land for laying the pipeline shall, instead of vesting in Government of India, vest on the date of publication of the declaration, in M/s Relogistics Infrastructure Limited, free from all encumbrances.

Schedule

Mandal/Tehsil/Taluk:Jaladanki		District:Sri Potti Sriramulu Nellore		State:Andhra Pradesh	
Village	Survey No./Sub-Division No.	Area to be acquired for ROU			
		Hec	Are	C-Are	
1	2	3	4	5	
1 -) Brahmanakraka	In bet suy no. 575/1 & 1980 Cart track	00	00	37	
	141	00	00	67	
	145	00	89	28	
	160	00	48	92	
	163	00	70	69	
	164	00	22	64	
	166/1	00	06	12	
	167/1	00	40	39	
	167/2	00	20	08	
	178	00	21	11	
	181	00	50	63	
	194	00	50	97	
	197/2	00	10	00	
	198	00	16	28	
	1980	00	15	93	
	199	00	07	50	
	200	00	32	03	
	201	00	00	93	
	203	00	10	57	
	204	00	18	85	
	205	00	42	24	
	208	00	10	18	
	291	00	12	66	
	523/2	00	21	24	
	571	00	07	65	
	572	00	03	46	
	573/1	00	00	44	
	574	01	02	75	
	575/1	00	44	25	
	146/1A	00	24	43	
	146/1B	00	03	82	
	146/2	00	30	00	
	153/2	00	16	38	
	154/1	00	25	56	
	154/2	00	01	41	
	154/4	00	38	10	
	154/5	00	00	60	

F. No. L-14014/57/2009-G.P.]

K. K. SHARMA, Under Secy.

नई दिल्ली, 15 सितम्बर, 2011

का. आ. 2528.—भारत सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 2428(अ) तारीख 27 सितम्बर, 2010 द्वारा, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में, मैसर्स रिलाएंस इन्डस्ट्रीज लिमिटेड के आन्ध्र प्रदेश में पूर्वी तट पर ऑनशोर टर्मिनल से देश के विभिन्न हिस्सों में उपभोक्ताओं तक प्राकृतिक गैस के परिवहन के लिए, मैसर्स रिलोजिस्टिक्स इन्फ्रास्ट्रक्चर लिमिटेड द्वारा काकीनाडा- वासुदेवपुर-हावडा गैस पाइपलाइन विछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और, उक्त गजपत्र अधिसूचना की प्रतियाँ जनता को तारीख **21 मार्च, 2011** को अथवा उसमें पूर्व उपलब्ध करा दी गई थीं ;

और, पाइपलाइन विछाने के सम्बन्ध में, जनता की ओर से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और अननुज्ञात कर दिया गया;

और, सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन भारत सरकार का अपनी रिपोर्ट दे दी है ;

और, भारत सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह संतुष्ट हो जाने पर कि उक्त भूमि पाइपलाइन विछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः, अब, भारत सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन विछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और, भारत सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से भारत सरकार में निहित होने के वजाए, सभी विल्लंगमों से मुक्त, मैसर्स रिलोजिस्टिक्स इन्फ्रास्ट्रक्चर लिमिटेड में निहित होगा ।

अनुसूची

मंडल/ तेहसिल/ तालुक : हिंजलिकाट			जिला : रांजम		राज्य : ओडिशा		
गाँव का नाम			सर्वे सं/सद डिविजन सं.		आर.ओ.यू अर्जित करने के लिए क्षेत्रफल		
					हेक्टेयर	एयर	सि.एयर
1			2		3	4	5
1) सिकुलीपल्ली			95		00	03	72
			72		00	01	46
			94		00	04	51
			99		00	01	21
			101		00	05	18
			105		00	00	37
			102		00	12	19
			217		00	00	10
			216		00	00	76
			103		00	02	33
			104/2		00	00	72
			162		00	02	84
			161		00	03	17
			160		00	01	02
			163		00	01	07
			164		00	01	39
			165		00	01	73
			141		00	04	33
			142		00	01	80
			143/1		00	02	30
			148		00	00	24
			157		00	10	41
			149		00	00	10
			176		00	17	13
			177		00	00	14
			377		00	04	04
			386		00	07	58
			418/1		00	00	27
			417		00	00	69
			416		00	01	41
			414		00	00	84
			413		00	03	75
2) पोलासी			1425		00	25	19
			1430		00	02	49
			1638		00	21	94
			1641		00	06	97
			1607		00	00	26

1	2	3	4	5
3) गोडोला	4189	00	03	65
	4183	00	00	91
	4163	00	05	47
	4213	00	00	55
	4164	00	03	47
	4166	00	00	10
	4160	00	19	68
	4153	00	09	70
	4152	00	18	43
	4148	00	00	10
	4134	00	17	17
	4138	00	15	20
	4062	00	02	63
	4252	00	07	34
	4254	00	11	56
	4255	00	06	25
	4260	00	09	71
	4258	00	00	15
	4259	00	02	73
	4354	00	05	60
	4336	00	08	61
	4348	00	07	13
	4346	00	05	41
	4403	00	00	98
	4418	00	08	23
	4415	00	01	43
	4420	00	02	00
	4446	00	10	93
	4445	00	00	96
	4444	00	02	51
	4452	00	23	54
	4437	00	00	29
	1263	00	01	38
	1265	00	20	66
	1264	00	00	81
	1286	00	05	82
	1287	00	04	50
	1249	00	03	38
	1290	00	04	11
	1206	00	08	81
	1197	00	16	86
	1196	00	07	80

1	2	3	4	5
3) गोंडोला (निरंतर)	1192	00	46	62
	1191	00	01	01
	1190	00	00	24
4) भवंधा	12	00	24	02
	116	00	05	50
	117	00	12	39
	115	00	00	37
	122	00	22	53
	121	00	00	51
	125	00	04	89
5) सिखरपुर	2248	00	04	88
	2250	00	00	76
	2251	00	06	87
	2254	00	00	84
	2321	00	05	30
	2319	00	12	34
	2330	00	02	99
	2331	00	05	09
	2332	00	03	02
	2333	00	10	47
	2378	00	00	60
	2379	00	03	45
	2377	00	02	88
	803	00	01	94
	802	00	07	93
	2381	00	01	40
	799	00	02	31
	801	00	05	68
	808	00	03	58
	796	00	05	82
	794	00	10	72
	793	00	04	93
	792	00	08	16
	790	00	01	09
	791	00	00	25
	785	00	00	76
	780	00	09	41
	779	00	06	91
	778	00	06	86
	773	00	00	30
	772	00	07	78
	769	00	15	38

1	2	3	4	5
5) सिखरपुर (निरंतर)	771	00	00	47
	770	00	04	83
	574	00	07	49
	569	00	02	23
	570	00	12	82
	572	00	01	76
	564	00	00	39
	505	00	09	02
	502	00	00	10
	500	00	02	54
	499	00	07	84
	498	00	02	74
	501	00	03	13
	346	00	28	91
	302	00	02	21
	301	00	02	31
	300	00	14	06
	349	00	00	34
	294	00	00	10
	295	00	06	93
	291	00	17	88
	292	00	02	15
	288	00	07	88
	290	00	00	48
	289	00	02	65
	283	00	09	81
	276	00	05	23
	275	00	10	62
6) सहापुर	3447	00	04	85
	3448	00	09	08
	3405	00	04	98
	3404/4984	00	05	92
मंडल/ तेहसिल/ तालुका : पुरुषोत्तमपुर	जिला : गंजम	राज्य : ओडिशा		
1) भटाकुमाराझ	1958	00	05	59
	1957	00	33	59
	2174	00	07	17
	1956	00	00	67
	1952	00	11	57
	1937	00	17	82
	1938	00	06	71
	1941	00	08	41
	1929	00	10	18
	1942/5985	00	00	82

1	2	3	4	5
1) मयकुमारराज (निरंतर)	1918	00	10	36
	1911/5975	00	06	34
	1911/5973	00	01	40
	1911/5974	00	01	77
	1911/5976	00	02	12
	1911/5969	00	02	86
	1905	00	02	24
	1847	00	00	80
	1815	00	13	57
	1746	00	18	62
	1745	00	21	91
	1757	00	00	56
	1723	00	07	27
	1663	00	17	25
	1663/8119	00	00	90
	1664	00	17	66
	1666	00	02	24
	1677	00	02	23
	1681	00	00	19
	1602	00	02	07
	1599	00	06	37
	1569	00	00	69
	1561	00	03	63
	1551	00	01	55
	245	00	01	63
	250/5659	00	03	35
	178	00	00	26
	168	00	06	71
	152	00	09	53
	279/8196	00	07	83
	281	00	09	52
	286	00	04	44
	285	00	02	49
	287	00	04	30
	292	00	04	48
	293/8194	00	00	13
	296	00	05	52
	302	00	12	76
	308	00	15	60
	527	00	11	87
	524	00	18	08
	682	00	03	71

1	2	3	4	5
1) भटाकुमाराडा (निरंतर)	688	00	01	61
	708	00	05	66
	712	00	02	62
	718	00	07	45
	720	00	10	35
	719	00	00	89
	741	00	03	88
	736	00	09	57
	739	00	00	12
	735	00	01	19
	734	00	03	57
2) दामोदरपुर	23/31	00	04	64
	22/30	00	02	40
	37/53	00	14	06
	35/51	00	01	60
	36/52	00	00	10
	42/58	00	05	01
	52/75	00	02	20
	49/72	00	03	77
	60/86	00	00	10
	70/97	00	17	91
	69/96	00	05	46
	88/115	00	02	54
	85/112	00	02	53
3) ससन पल्ली	1009	00	00	16
	1011	00	02	65
	1012	00	01	51
	84	00	00	12
	88	00	12	50
	126	00	03	08
	124	00	06	94
	151	00	04	72
	153	00	01	20
	154	00	14	22
	155	00	04	48
	156	00	01	96
	157	00	06	48
	162	00	10	72
	160	00	00	10
	161	00	02	04
	222	00	00	36
	221	00	11	72

1	2	3	4	5
3) ससन पल्ली (निरंतर)	182	00	03	26
	220	00	02	97
	187	00	00	82
	191	00	04	44
	192	00	02	10
	196	00	04	16
	197	00	08	43
	200	00	02	27
	311	00	08	20
	312	00	00	56
	310	00	07	88
	309	00	11	25
	351	00	04	22
	340	00	07	48
	370	00	02	41
	371	00	00	10
	354	00	03	09
	357	00	00	34
	358	00	06	39
	367	00	00	90
	523	00	03	23
	530	00	06	33
	521	00	00	11
	533	00	04	84
	534	00	04	82
	535	00	03	44
	536	00	06	21
	537	00	06	80
	538	00	04	15
	549	00	00	56
	548	00	01	84
	547	00	04	03
	545	00	03	05
	544	00	02	36
	543	00	02	93
	541	00	06	63
	598	00	02	00

New Delhi, the 15th September, 2011

S. O. 2528.—Whereas by notification of Government of India in Ministry of Petroleum and Natural Gas number S.O. 2428(E) dated 27th September, 2010, issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), Government of India declared its intention to acquire the Right of User in the land, specified in the Schedule appended to that notification for the purpose of laying Kakinada-Basudebpur-Howrah gas pipeline for transportation of natural gas from onshore terminal at East coast of Andhra Pradesh of M/s Reliance Industries Limited by M/s Relogistics Infrastructure Limited to the consumers in various parts of the country;

And whereas, the copies of the said Gazette notification were made available to the public on or before 21st March, 2011;

And whereas, the objections received from the public to the laying of the pipeline have been considered and disallowed by the Competent Authority;

And whereas, the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government of India;

And whereas, Government of India, after considering the said report and on being satisfied that the said land is required for laying the pipeline, have decided to acquire the Right of User therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, Government of India hereby declare that the Right of User in the land, specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, Government of India hereby direct that the Right of User in the said land for laying the pipeline shall, instead of vesting in Government of India, vest on the date of publication of the declaration, in M/s Relogistics Infrastructure Limited, free from all encumbrances.

Schedule

Mandal/Tehsil/Taluk: Hinjalikatu		District: Ganjam		State: Orissa	
Village	Survey No./Sub-Division No.	Area to be acquired for RoU			
		Hec	Are	C-Are	
1	2	3	4	5	
1) Sikulipalli	95	00	03	72	
	72	00	01	46	
	94	00	04	51	
	99	00	01	21	
	101	00	05	18	
	105	00	00	37	
	102	00	12	19	
	217	00	00	10	
	216	00	00	76	
	103	00	02	33	
	104/2	00	00	72	
	162	00	02	84	
	161	00	03	17	
	160	00	01	02	
	163	00	01	07	
	164	00	01	39	
	165	00	01	73	
	141	00	04	33	
	142	00	01	80	
	143/1	00	02	30	
	148	00	00	24	
	157	00	10	41	
	149	00	00	10	
	176	00	17	13	
	177	00	00	14	
	377	00	04	04	
	386	00	07	58	
	418/1	00	00	27	
	417	00	00	69	
	416	00	01	41	
	414	00	00	84	
	413	00	03	75	
2) Polasi	1425	00	25	19	
	1430	00	02	49	
	1638	00	21	94	
	1641	00	06	97	
	1607	00	00	26	

1	2	3	4	5
3) Gondola	4189	00	03	65
	4183	00	00	91
	4163	00	05	47
	4213	00	00	55
	4154	00	03	47
	4155	00	00	10
	4160	00	19	68
	4153	00	09	70
	4152	00	18	43
	4148	00	00	10
	4134	00	17	17
	4138	00	15	20
	4062	00	02	63
	4252	00	07	34
	4254	00	11	56
	4255	00	06	25
	4260	00	09	71
	4258	00	00	15
	4259	00	02	73
	4354	00	05	60
	4336	00	08	61
	4348	00	07	13
	4346	00	05	41
	4403	00	00	98
	4418	00	08	23
	4415	00	01	43
	4420	00	02	00
	4446	00	10	93
	4445	00	00	96
	4444	00	02	51
	4452	00	23	54
	4437	00	00	29
	1263	00	01	38
	1265	00	20	66
	1264	00	00	81
	1286	00	05	82
	1287	00	04	50
	1249	00	03	38
	1290	00	04	11
	1206	00	08	81
	1197	00	16	86
	1196	00	07	80

1	2	3	4	5
3) Gondola (Contd)	1192	00	46	62
	1191	00	01	01
	1190	00	00	24
4) Bhabandha	12	00	24	02
	116	00	05	50
	117	00	12	39
	115	00	00	37
	122	00	22	53
	121	00	00	51
	125	00	04	89
5) Sikhar Pur	2248	00	04	88
	2250	00	00	76
	2251	00	06	87
	2254	00	00	84
	2321	00	05	30
	2319	00	12	34
	2330	00	02	99
	2331	00	05	09
	2332	00	03	02
	2333	00	10	47
	2378	00	00	60
	2379	00	03	45
	2377	00	02	88
	803	00	01	94
	802	00	07	93
	2381	00	01	40
	799	00	02	31
	801	00	05	68
	808	00	03	58
	796	00	05	82
	794	00	10	72
	793	00	04	93
	792	00	08	16
	790	00	01	09
	791	00	00	25
	785	00	00	76
	780	00	09	41
	779	00	06	91
	778	00	06	86
	773	00	00	30
	772	00	07	78
	769	00	15	38

1	2	3	4	5
5) Sikhar Pur (Contd)	771	00	00	47
	770	00	04	83
	574	00	07	49
	569	00	02	23
	570	00	12	82
	572	00	01	76
	564	00	00	00
	505	00	09	02
	502	00	00	10
	500	00	02	54
	499	00	07	84
	498	00	02	74
	501	00	03	13
	346	00	28	91
	302	00	02	21
	301	00	02	31
	300	00	14	06
	349	00	00	34
	294	00	00	10
	295	00	06	93
	291	00	17	88
	292	00	02	15
	288	00	07	88
	290	00	00	48
	289	00	02	65
	283	00	09	81
	276	00	05	23
	275	00	10	62
6) Sahapur	3447	00	04	85
	3448	00	09	08
	3405	00	04	98
	3404/4984	00	05	92

Mandal/Tehsil/Taluk: Purusottampur	District: Ganjam	State: Orissa
1) Bhatakumarada	1958	00 05 59
	1957	00 33 59
	2174	00 07 17
	1956	00 00 67
	1952	00 11 57
	1937	00 17 82
	1938	00 06 71
	1941	00 08 41
	1929	00 10 18
	1942/5985	00 00 82

1	2	3	4	5
1) Bhatakumarada (Contd)	1918 .	00	10	36
	1911/5975	00	06	34
	1911/5973	00	01	40
	1911/5974	00	01	77
	1911/5976	00	02	12
	1911/5969	00	02	86
	1905	00	02	24
	1847	00	00	80
	1815	00	13	57
	1746	00	18	62
	1745	00	21	91
	1757	00	00	56
	1723	00	07	27
	1663	00	17	25
	1663/8119	00	00	90
	1664	00	17	66
	1666	00	02	24
	1677	00	02	23
	1681	00	00	19
	1602	00	02	07
	1599	00	06	37
	1569	00	00	69
	1561	00	03	63
	1551	00	01	55
	245	00	01	63
	250/5659	00	03	35
	178	00	00	26
	168	00	06	71
	152	00	09	53
	279/8196	00	07	83
	281	00	09	52
	286	00	04	44
	285	00	02	49
	287	00	04	30
	292	00	04	48
	293/8194	00	00	13
	296	00	05	52
	302	00	12	76
	308	00	15	60
	527	00	11	87
	524	00	18	08
	682	00	03	71

1	2	3	4	5
1) Bhatakumarada (Contd)	688	00	01	61
	708	00	05	66
	712	00	02	62
	718	00	07	45
	720	00	10	35
	719	00	00	89
	741	00	03	88
	736	00	09	57
	739	00	00	12
	735	00	01	19
	734	00	03	57
2) Damodarapur	23/31	00	04	64
	22/30	00	02	40
	37/53	00	14	06
	35/51	00	01	60
	36/52	00	00	10
	42/58	00	05	01
	52/75	00	02	20
	49/72	00	03	77
	60/86	00	00	10
	70/97	00	17	91
	69/96	00	05	46
	88/115	00	02	54
	85/112	00	02	53
3) Sasan Palli	1009	00	00	16
	1011	00	02	65
	1012	00	01	51
	84	00	00	12
	88	00	12	50
	126	00	03	08
	124	00	06	94
	151	00	04	72
	153	00	01	20
	154	00	14	22
	155	00	04	48
	156	00	01	96
	157	00	06	48
	162	00	10	72
	160	00	00	10
	161	00	02	04
	222	00	00	36
	221	00	11	72

1	2	3	4	5
3) Sasan Pathi (Contd)	182	00	03	26
	220	00	02	97
	187	00	00	82
	191	00	04	44
	192	00	02	10
	196	00	04	16
	197	00	08	43
	200	00	02	27
	311	00	08	20
	312	00	00	56
	310	00	07	88
	309	00	11	25
	351	00	04	22
	340	00	07	48
	370	00	02	41
	371	00	00	10
	354	00	03	09
	357	00	00	34
	358	00	06	39
	367	00	00	90
	523	00	03	23
	530	00	06	33
	521	00	00	11
	533	00	04	84
	534	00	04	82
	535	00	03	44
	536	00	06	21
	537	00	06	80
	538	00	04	15
	549	00	00	56
	548	00	01	84
	547	00	04	03
	545	00	03	05
	544	00	02	36
	543	00	02	93
	541	00	06	63
	598	00	02	00

नई दिल्ली, 15 सितम्बर, 2011

का. आ. 2529.—भारत सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 2430(अ) तारीख 27 सितम्बर, 2010 द्वारा, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में, मैसर्स रिलाएंस इन्डस्ट्रीज लिमिटेड के आन्ध्र प्रदेश में पूर्वी तट पर ऑनशोर टर्मिनल से देश के विभिन्न हिस्सों में उपभोक्ताओं तक प्राकृतिक गैस के परिवहन के लिए, मैसर्स रिलोजिस्टिक्स इन्फ्रास्ट्रक्चर लिमिटेड द्वारा काकीनाडा-बासुदेवपुर-हावडा गैस पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और, उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 12 मार्च, 2011 को अथवा उससे पूर्व उपलब्ध करा दी गई थीं ;

और, पाइपलाइन बिछाने के सम्बन्ध में, जनता की ओर से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और अननुज्ञात कर दिया गया;

और, सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन भारत सरकार को अपनी रिपोर्ट दे दी है ;

और, भारत सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह संतुष्ट हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः, अब, भारत सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और, भारत सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से भारत सरकार में निहित होने के बजाए, सभी विल्लंगनों से मुक्त, मैसर्स रिलोजिस्टिक्स इन्फ्रास्ट्रक्चर लिमिटेड में निहित होगा।

अनुसूची

मंडल/ तेहसिल/ तालुक : चिकिटी	जिला : गंजम	राज्य : ओडिशा		
गाँव का नाम	सर्वे सं./ सब डिविजन सं-	आर.ओ.यू अर्जित करने के लिए क्षेत्रफल		
		हेक्टेयर	एयर	सि.एयर
1	2	3	4	5
1) इन्द्रेन्द्रा	2065	00	02	52
	2064	00	03	81
	2063	00	02	63
	2067	00	08	59
	2062	00	00	67
	2069	00	01	29
	2060	00	04	20
	2059	00	02	62
	2058	00	03	87
	2048	00	04	92
	2047	00	08	05
	2049	00	01	06
	2046	00	01	23
	2045	00	07	87
	2043	00	02	92
	2036	00	05	84
	2034	00	00	40
	2037	00	01	29
	1991	00	02	74
	1992	00	07	62
	1990	00	05	18
	2097	00	00	10
	1989	00	04	16
	2102	00	09	61
	2099	00	01	47
	2101	00	09	78
	2110	00	12	71
	2114	00	04	10
	2118	00	07	02
	2117	00	04	03
	2148	00	03	21
	2147	00	01	11
	2154	00	03	12
	2155	00	09	09
	2145	00	02	59
	2156	00	02	44
	2157	00	07	26

1	2	3	4	5
1) इरेन्द्रा (निरंतर)	2158	00	02	53
	2159	00	03	11
	1113	00	00	91
	2163	00	00	94
	1110	00	00	61
	1111	00	02	84
	1109	00	01	36
	1112	00	04	78
	1108	00	00	80
	1066	00	00	10
	1105	00	12	58
	1071	00	01	18
	1079	00	02	16
	1078	00	00	82
	1081	00	05	24
	1082	00	06	15
	1045	00	25	64
	1044	00	11	86
	1040	00	07	72
	1041	00	08	38
	1039	00	13	56
	1037	00	03	72
	477	00	06	24
	472	00	05	02
	473	00	02	13
	470	00	01	78
	469	00	03	11
	471	00	02	75
	465	00	01	47
	468	00	03	98
	466	00	03	64
	464	00	00	20
	1115	00	00	50
2) जगनाथपुर	760	00	00	75
	763	00	00	86
	139	00	01	12
	138	00	02	36
	132	00	03	81
	133	00	02	27
	137	00	03	21
	129	00	00	61
	128	00	00	10

1	2	3	4	5
2) जगनाथपुर (निरंतर)	126	00	03	64
	127	00	00	10
	113	00	03	86
	111	00	00	60
	112	00	04	78
	102	00	03	27
	103	00	03	82
	90	00	02	64
	89	00	02	11
	88	00	07	34
	17	00	10	71
	12	00	11	65
	11	00	12	10
	6	00	00	10
	5	00	00	26
3) पनाडा	1829	00	04	64
	1811	00	02	21
	1792	00	09	32
	1791	00	01	18
	1778	00	04	97
	1779	00	04	45
	1780	00	01	05
	1785	00	01	86
	1782	00	02	86
	1783	00	14	60
	1741	00	03	96
	1740	00	03	72
	1784	00	01	23
	1727	00	06	91
	1739	00	04	12
	1738	00	04	05
	1734	00	01	66
	1700	00	00	10
	1728	00	03	33
	1733	00	04	59
	1732	00	03	57
	1701	00	03	00
	1702	00	00	10
	1709	00	04	67
	1711	00	03	28
	1642	00	02	80
	1643	00	00	30

1	2	3	4	5
3) पनाडा (निरंतर)	1241	00	00	50
	1053	00	34	28
	1054	00	00	62
	1057	00	05	13
	1058	00	03	83
	1059	00	04	68
	1223	00	06	18
	1222	00	03	13
	1195	00	01	70
	1194	00	00	26
	1192	00	00	12
	1191	00	09	49
	1189	00	13	72
	1188	00	04	66
	1172	00	22	98
	1296	00	07	07
	1297	00	06	25
	1295	00	06	87
	1298	00	15	36
4) किशोरा चन्द्रपुर	546	00	01	82
	549	00	02	11
	697	00	03	56
	550	00	00	24
	695	00	08	18
	687	00	00	38
	688	00	06	93
	689	00	06	96
	621	00	04	24
	622	00	04	02
	620	00	06	92
	618	00	02	99
	619	00	06	90
	617	00	00	41
	608	00	07	55
	606	00	02	54
	616	00	01	22
	612	00	00	47
	607	00	01	56
	604	00	20	23
	586	00	09	58
	161	00	00	79
	160	00	06	73

1	2	3	4	5
4) किशोरा चन्द्रपुर (निरंतर)	156	00	00	10
	158	00	01	40
	118	00	13	97
	94	00	08	41
	95	00	00	31
	93	00	00	60
	97	00	01	47
	102	00	01	86
	103	00	02	49
	104	00	00	10
	105	00	02	04
	101	00	03	62
	88	00	00	35
	84	00	05	54
	86	00	04	15
	87	00	00	29
	50	00	16	76
	25	00	01	50
	26	00	02	93
	27	00	01	39
	28	00	02	02
	29	00	00	90
	30	00	00	55
	31	00	00	17
मंडल/ तेहसिल/ तालुक : कनीसी	जिला : गंजम	राज्य : ओडिशा		
1) रामपल्ली	234	00	56	22
	274	00	14	23
	273	00	02	60
	271	00	03	15
	235	00	53	28
	229	00	29	10
2) जुगुडी	682/989	00	25	89
	635/911	00	20	85
	636/912	00	08	61
	905	00	06	02
	633/906	00	20	24
	641/920	00	25	40
	642/921	00	22	57
	656/936	00	05	42
	644/923	00	07	66
	655/935	00	07	39
	653/933	00	16	09
	648/927	00	19	25

1	2	3	4	5
2) जुगुडी (निरंतर)	821	00	05	11
	805	00	01	56
	585/804	00	10	19
	871/807	00	01	45
	586/806	00	10	18
	812	00	01	13
	297/372	00	28	18
	287/362	00	05	10
	289/364	00	09	66
	245/309	00	00	91
	243/307	00	06	50
	238/297	00	00	48
	304/386	00	01	31
	306/389	00	19	88
	307/390	00	11	81
	310/393	00	04	91
	309/392	00	04	37
	315/401	00	19	18
	400	00	04	09
	316/403	00	11	35
	318/408	00	13	49
	86/94	00	27	54
3) सिंगावाडी	359	00	12	47
	358	00	00	52
	357	00	01	47
	360	00	04	70
	354	00	08	32
	362	00	05	86
	364	00	08	49
	363	00	15	56
	365	00	10	78
	368	00	07	91
	367	00	01	26
	377	00	02	20
	369	00	00	14
	374	00	03	11
	375	00	02	78
	370	00	20	56
	382	00	02	93
	276	00	02	52
	280	00	04	63
	279	00	00	47

1	2	3	4	5
3) सिंगावाडी (निरंतर)	277	00	03	49
	275	00	05	76
	272	00	06	08
	271	00	00	10
	251	00	16	02
	249	00	06	05
	169	00	17	73
	171	00	17	80
	172	00	00	11
	176	00	03	35
	175	00	00	10
	177	00	05	18
	178	00	08	05
	162	00	02	02
	179	00	06	36
	98	00	09	22
	101	00	16	77
	102	00	02	27
	82	00	09	06
	75	00	00	87
	73	00	01	15
	76	00	04	03
	77	00	05	67
4) भेदिनिपुर	144	00	02	13
	143	00	68	17
	142	00	15	65
	143/740	00	16	69
5) कुसुमी	375	00	10	91
	374	00	04	15
	373	00	04	63
	372	00	02	76
	402	00	18	63
	401	00	00	10
	403	00	14	78
	405	00	06	08
	404	00	06	72
	407	00	02	75
	408	00	06	46
	409	00	01	32
	411	00	05	38
	412	00	09	69
	413	00	05	21

1	2	3	4	5
5) कुसुमी (निरंतर)	414	00	11	06
	416	00	32	14
	418	00	09	31
	423	00	02	10
	432	00	24	89
	347	00	42	56
	343	00	27	00
	292	00	03	05
	298	00	09	64
	299	00	24	23
	300	00	18	34
	301	00	06	95
	302	00	00	14
	191	00	01	08
	190	00	05	50
	124	00	40	65
	123	00	21	56
	108	00	40	77
	130/1154	00	01	77
	500/1231	00	08	06
	104/1123	00	01	88
	8/1124	00	00	70
	105/1125	00	00	10
6) महाडा	1963	00	16	77
	1966	00	05	68
	1920	00	39	95
	1525	00	24	48
	1520	00	31	84
	1574	00	01	33
	1575	00	00	80
	1576	00	20	20
	1501	00	20	71
	1502	00	01	22
	1500	00	00	90
	1498	00	34	84
	1499	00	02	19
	1593	00	03	29
	1490	00	05	03
	1489	00	03	42
	171	00	06	40
	174	00	01	36
	179	00	00	29

1	2	3	4	5
6) महाडा (निरंतर)	301	00	03	94
	300	00	01	51
	299	00	00	81
	286	00	04	40
	284	00	00	75
	283	00	18	00
	371	00	25	15
	374	00	00	18
	375	00	17	15
	377	00	07	13
	378	00	18	46
	384	00	23	34
	391	00	01	86
	390	00	13	15
	419	00	13	72
मंडल/ तेहसिल/ तालुक : वेरहमपुर	जिला : गंजम	राज्य : ओडिशा		
1) मटियापल्ली	75	00	06	50
	64	00	03	92
	66	00	03	66
	73	00	15	02
	67	00	01	51
	68	00	14	15
	56	00	30	20
	53	00	16	10
2) लंगलादेई	625	00	00	53
	626	00	00	48
	628	00	00	27
	629	00	00	24
	646	00	01	15
	645	00	01	30
	644	00	01	87
	643	00	01	50
	642	00	02	17
	679	00	04	05
	640	00	00	10
	683	00	13	05
	700	00	45	91
	732	00	14	34
	733	00	00	34
	354	00	15	00
	356/787	00	05	83
	353	00	01	75
	355	00	07	73

1	2	3	4	5
2) बंगलादेश (निर्गत)	350 351 348 362 363 367 366 334	00 00 00 00 00 00 00 00	03 05 12 16 01 11 08 00	60 04 02 73 39 03 95 66
3) चंडनिया पहाड़	54 60 61 73 74 75 77 83/304 84 87 101 104	00 00 00 00 00 00 00 00 00 00 00 00	37 17 02 02 07 12 07 07 06 02 09 01	43 61 78 26 84 91 51 88 88 40 20 18

[फा सं. एल.-14014/54/2010-जी.पी.]

के. के. शर्मा, अवर सचिव

New Delhi, the 15th September, 2011

S. O. 2529.— Whereas by notification of Government of India in Ministry of Petroleum and Natural Gas number S.O. 2430(E) dated 27th September, 2010, issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), Government of India declared its intention to acquire the Right of User in the land, specified in the Schedule appended to that notification for the purpose of laying Akinada-Basudebpur-Howrah gas pipeline for transportation of natural gas from onshore terminal at East coast of Andhra Pradesh of M/s Reliance Industries Limited by M/s Reloistics Infrastructure Limited to the consumers in various parts of the country;

And whereas, the copies of the said Gazette notification were made available to the public on or before 12 March, 2011;

And whereas, the objections received from the public to the laying of the pipeline have been considered and disallowed by the Competent Authority;

And whereas, the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government of India;

And whereas, Government of India, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the Right of User therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, Government of India hereby declare that the Right of User in the land, specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, Government of India hereby direct that the Right of User in the said land for laying the pipeline shall, instead of vesting in Government of India, vest on the date of publication of the declaration, in M/s Reloistics Infrastructure Limited, free from all encumbrances.

Schedule

Mandal/Tehsil/Taluk:Chikiti		District:Ganjam		State:Orissa	
Village	Survey No./Sub-Division No.	Area to be acquired for RoU			
		Hec	Are	C-Are	
1	2	3	4	5	
1) Erendra	2065	00	02	52	
	2064	00	03	81	
	2063	00	02	63	
	2067	00	08	59	
	2062	00	00	67	
	2069	00	01	29	
	2060	00	04	20	
	2059	00	02	62	
	2058	00	03	87	
	2048	00	04	92	
	2047	00	08	05	
	2049	00	01	06	
	2046	00	01	23	
	2045	00	07	87	
	2043	00	02	92	
	2036	00	05	84	
	2034	00	00	40	
	2037	00	01	29	
	1991	00	02	74	
	1992	00	07	62	
	1990	00	05	18	
	2097	00	00	10	
	1989	00	04	16	
	2102	00	09	61	
	2099	00	01	47	
	2101	00	09	78	
	2110	00	12	71	
	2114	00	04	10	
	2118	00	07	02	
	2117	00	04	03	
	2148	00	03	21	
	2147	00	01	11	
	2154	00	03	12	
	2155	00	09	09	
	2145	00	02	59	
	2156	00	02	44	
	2157	00	07	26	

1	2	3	4	5
1) Erendra (Contd)	2158	00	02	53
	2159	00	03	11
	1113	00	00	91
	2163	00	00	94
	1110	00	00	61
	1111	00	02	84
	1109	00	01	36
	1112	00	04	78
	1108	00	00	80
	1066	00	00	10
	1105	00	12	58
	1071	00	01	18
	1079	00	02	16
	1078	00	00	82
	1081	00	05	24
	1082	00	06	15
	1045	00	25	64
	1044	00	11	86
	1040	00	07	72
	1041	00	08	38
	1039	00	13	56
	1037	00	03	72
	477	00	06	24
	472	00	05	02
	473	00	02	13
	470	00	01	78
	469	00	03	11
	471	00	02	75
	465	00	01	47
	468	00	03	98
	466	00	03	64
	464	00	00	20
	1115	00	00	50
2) Jaganathpur	760	00	00	75
	763	00	00	86
	139	00	01	12
	138	00	02	36
	132	00	03	81
	133	00	02	27
	137	00	03	21
	129	00	00	61
	128	00	00	10

1	2	3	4	5
2) Jaganathpur (Contd)	126	00	03	64
	127	00	00	10
	113	00	03	86
	111	00	00	60
	112	00	04	78
	102	00	03	27
	103	00	03	82
	90	00	02	64
	89	00	02	11
	88	00	07	34
	17	00	10	71
	12	00	11	65
	11	00	12	10
	6	00	00	10
	5	00	00	26
3) Panada	1829	00	04	64
	1811	00	02	21
	1792	00	09	32
	1791	00	01	18
	1778	00	04	97
	1779	00	04	45
	1780	00	01	05
	1785	00	01	86
	1782	00	02	86
	1783	00	14	60
	1741	00	03	96
	1740	00	03	72
	1784	00	01	23
	1727	00	06	91
	1739	00	04	12
	1738	00	04	05
	1734	00	01	66
	1700	00	00	10
	1728	00	03	33
	1733	00	04	59
	1732	00	03	57
	1701	00	03	00
	1702	00	00	10
	1709	00	04	67
	1711	00	03	28
	1642	00	02	80
	1643	00	00	30

1	2	3	4	5
3) Panada (Contd)	1241	00	00	50
	1053	00	34	28
	1054	00	00	62
	1057	00	05	13
	1058	00	03	83
	1059	00	04	68
	1223	00	06	18
	1222	00	03	13
	1195	00	01	70
	1194	00	00	26
	1192	00	00	12
	1191	00	09	49
	1189	00	13	72
	1188	00	04	66
	1172	00	22	98
	1296	00	07	07
	1297	00	06	25
	1295	00	06	87
	1298	00	15	36
4) Kishora Chandrapur	546	00	01	82
	549	00	02	11
	697	00	03	56
	550	00	00	24
	695	00	08	18
	687	00	00	38
	688	00	06	93
	689	00	06	96
	621	00	04	24
	622	00	04	02
	620	00	06	92
	618	00	02	99
	619	00	06	90
	617	00	00	41
	608	00	07	55
	606	00	02	54
	616	00	01	22
	612	00	00	47
	607	00	01	56
	604	00	20	23
	586	00	09	58
	161	00	00	79
	160	00	06	73

1	2	3	4	5
4) Kishora Chandrapur (Contd)	156	00	00	10
	158	00	01	40
	118	00	13	97
	94	00	08	41
	95	00	00	31
	93	00	00	60
	97	00	01	47
	102	00	01	86
	103	00	02	49
	104	00	00	10
	105	00	02	04
	101	00	03	62
	88	00	00	35
	84	00	05	54
	86	00	04	15
	87	00	00	29
	50	00	16	76
	25	00	01	50
	26	00	02	93
	27	00	01	39
	28	00	02	02
	29	00	00	90
	30	00	00	55
	31	00	00	17
Mandal/Tehsil/Taluk:Kanisi	District:Ganjam	State:Orissa		
1) Rampalli	234	00	56	22
	274	00	14	23
	273	00	02	60
	271	00	03	15
	235	00	53	28
	229	00	29	10
2) Jugudi	682/989	00	25	89
	635/911	00	20	85
	636/912	00	08	61
	905	00	06	02
	633/906	00	20	24
	641/920	00	25	40
	642/921	00	22	57
	656/936	00	05	42
	644/923	00	07	66
	655/935	00	07	39
	653/933	00	16	09
	648/927	00	19	25

1	2	3	4	5
2) Jugudi (Contd)	821	00	05	11
	805	00	01	56
	585/804	00	10	19
	871/807	00	01	45
	586/806	00	10	18
	812	00	01	13
	297/372	00	28	18
	287/362	00	05	10
	289/364	00	09	66
	245/309	00	00	91
	243/307	00	06	50
	238/297	00	00	48
	304/386	00	01	31
	306/389	00	19	88
	307/390	00	11	81
	310/393	00	04	91
	309/392	00	04	37
	315/401	00	19	18
	400	00	04	09
	316/403	00	11	35
	318/408	00	13	49
	86/94	00	27	54
3) Singabadi	359	00	12	47
	358	00	00	52
	357	00	01	47
	360	00	04	70
	354	00	08	32
	362	00	05	86
	364	00	08	49
	363	00	15	56
	365	00	10	78
	368	00	07	91
	367	00	01	26
	377	00	02	20
	369	00	00	14
	374	00	03	11
	375	00	02	78
	370	00	20	56
	382	00	02	93
	276	00	02	52
	280	00	04	63
	279	00	00	47

1	2	3	4	5
3) Singabadi (Contd)	277	00	03	49
	275	00	05	76
	272	00	06	08
	271	00	00	10
	251	00	16	02
	249	00	06	05
	169	00	17	73
	171	00	17	80
	172	00	00	11
	176	00	03	35
	175	00	00	10
	177	00	05	18
	178	00	08	05
	162	00	02	02
	179	00	06	36
	98	00	09	22
	101	00	16	77
	102	00	02	27
	82	00	09	06
	75	00	00	87
	73	00	01	15
	76	00	04	03
	77	00	05	67
4) Medinipur	144	00	02	13
	143	00	68	17
	142	00	15	65
	143/740	00	16	69
5) Kusumi	375	00	10	91
	374	00	04	15
	373	00	04	63
	372	00	02	76
	402	00	18	63
	401	00	00	10
	403	00	14	78
	405	00	06	08
	404	00	06	72
	407	00	02	75
	408	00	06	46
	409	00	01	32
	411	00	05	38
	412	00	09	69
	413	00	05	21

1	2	3	4	5
5) Kusumi (Contd)	414	00	11	06
	416	00	32	14
	418	00	09	31
	423	00	02	10
	432	00	24	89
	347	00	42	56
	343	00	27	00
	292	00	03	05
	298	00	09	64
	299	00	24	23
	300	00	18	34
	301	00	06	95
	302	00	00	14
	191	00	01	08
	190	00	05	50
	124	00	40	65
	123	00	21	56
	108	00	40	77
	130/1154	00	01	77
	500/1231	00	08	06
	104/1123	00	01	88
	8/1124	00	00	70
	105/1125	00	00	10
6) Mahada	1963	00	16	77
	1966	00	05	68
	1920	00	39	95
	1525	00	24	48
	1520	00	31	84
	1574	00	01	33
	1575	00	00	80
	1576	00	20	20
	1501	00	20	71
	1502	00	01	22
	1500	00	00	90
	1498	00	34	84
	1499	00	02	19
	1593	00	03	29
	1490	00	05	03
	1489	00	03	42
	171	00	06	40
	174	00	01	36
	179	00	00	29

1	2	3	4	5
6) Mahada (Contd)	301	00	03	94
	300	00	01	51
	299	00	00	81
	286	00	04	40
	284	00	00	75
	283	00	18	00
	371	00	25	15
	374	00	00	18
	375	00	17	15
	377	00	07	13
	378	00	18	46
	384	00	23	34
	391	00	01	86
	390	00	13	15
	419	00	13	72

Mandal/Tehsil/Taluk:Berhampur	District:Ganjam	State:Orissa		
1) Matiapali	75	00	06	50
	64	00	03	92
	66	00	03	66
	73	00	15	02
	67	00	01	51
	68	00	14	15
	56	00	30	20
	53	00	16	10
2) Langaladei	625	00	00	53
	626	00	00	48
	628	00	00	27
	629	00	00	24
	646	00	01	15
	645	00	01	30
	644	00	01	87
	643	00	01	50
	642	00	02	17
	679	00	04	05
	640	00	00	10
	683	00	13	05
	700	00	45	91
	732	00	14	34
	733	00	00	34
	354	00	15	00
	356/787	00	05	83
	353	00	01	75
	355	00	07	73

1	2	3	4	5
2) Langahdei (Contd)	350	00	03	60
	351	00	05	04
	348	00	12	02
	362	00	16	73
	363	00	01	39
	367	00	11	03
	366	00	08	95
	334	00	00	66
3) Chandaniapahad	54	00	37	43
	60	00	17	61
	61	00	02	78
	73	00	02	26
	74	00	07	84
	75	00	12	91
	77	00	07	51
	83/304	00	07	88
	84	00	06	88
	87	00	02	40
	101	00	09	20
	104	00	01	18

[F. No. L-14014/54/2010-G.P.]

K. K. SHARMA, Under Secy.

नई दिल्ली, 16 सितम्बर, 2011

क का. आ. 2530.—भारत सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 2389 तारीख 31 अगस्त, 2010 द्वारा, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में, मैसर्स रिलाएंस इन्डस्ट्रीज लिमिटेड के आन्ध्र प्रदेश में पूर्वी तट पर काकीनाडा स्थित अपतटीय गैस प्रसंस्करण टर्मिनल से देश के विभिन्न हिस्सों में उपभोक्ताओं तक प्राकृतिक गैस के परिवहन के लिए, मैसर्स रिलोजिस्टिक्स इन्फ्रास्ट्रक्चर लिमिटेड द्वारा विजयवाड़ा- नेल्लोर - चेन्नई गैस पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और, उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 06 अगस्त, 2011 को अथवा उससे पूर्व उपलब्ध करा दी गई थीं ;

और, पाइपलाइन बिछाने के सम्बन्ध में, जनता की ओर से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और अनुज्ञात कर दिया गया;

और, सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन भारत सरकार को अपनी रिपोर्ट दे दी है ;

और, भारत सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह संतुष्ट हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः, अब, भारत सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और, भारत सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से भारत सरकार में निहित होने के दृजाए, सभी विल्लंगों से मुक्त, मैसर्स रिलोजिस्टिक्स इन्फ्रास्ट्रक्चर लिमिटेड में निहित होगा।

अनुसूची

मंडल/ तेहसिल/ तालुक : सत्यवेडु		जिला : चित्तूर		राज्य : आन्ध्र प्रदेश	
गाँव का नाम		सर्वे सं/सब डिविजन सं		आर.ओ.यू. अर्जित करने के लिए क्षेत्रफल	
				हेक्टेयर	एयर
1	2	3	4	5	
1) राजागोपालपुरम	7	00	03	68	
	8	00	03	16	
	9	00	44	97	
	10	00	01	06	
	20	00	67	08	
	21	00	46	13	
	79	00	09	29	
	84	00	01	88	
	86	00	43	71	
	92	00	09	66	
	17/4	00	02	97	
	17/10	00	06	94	
	17/12	00	14	93	
	17/13	00	03	24	
	18/4	00	04	95	
	18/5	00	10	80	
	18/6	00	05	07	
	18/7	00	05	48	
	19/3	00	05	74	
	19/7	00	06	18	
	19/8	00	04	35	
	19/12	00	08	69	
	19/13	00	03	97	
	19/15	00	01	56	
	80/1	00	19	20	
	80/3	00	05	75	
	80/5	00	00	30	
	80/6	00	09	62	
	80/9	00	08	05	
	80/10	00	00	24	
	80/13	00	02	45	
	80/4	00	03	23	
	80/8	00	03	14	
	80/11	00	06	80	
	80/12	00	00	66	
	85/2ए	00	00	10	
	85/2बी	00	17	96	

1	2	3	4	5
1) राजागोपालपुरम (निरंतर)	85/3	00	14	65
	85/4	00	00	22
	85/14बी	00	00	63
	91/7	00	01	68
	91/8	00	04	63
	91/9	00	01	29
	91/10	00	02	59
	91/11	00	07	32
	91/12	00	01	27
	94/6	00	03	18
	94/7	00	05	13
	94/13	00	02	97
	94/15	00	00	88
	94/16	00	00	44
	94/12	00	06	34
	94/14	00	19	46
	95/3	00	36	63
	95/4	00	02	45
	96/1	00	07	02
	96/6	00	00	73
	97/1	00	04	15
	97/4	00	09	68
	97/2	00	03	44

[फा सं. एल.-14014/44/2010-जी.पी.]

के. के. शर्मा, अवर सचिव

New Delhi, the 16th September, 2011

S. O. 2530.—Whereas by notification of Government of India in Ministry of Petroleum and Natural Gas number S.O. 2389 dated 31st August, 2010, issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), Government of India declared its intention to acquire the Right of User in the land, specified in the Schedule appended to that notification for the purpose of laying Vijayawada-Nellore-Chennai gas pipeline for transportation of natural gas from on-shore gas processing terminal at Kakinada on East coast of Andhra Pradesh of M/s Reliance Industries Limited by M/s Relogistics Infrastructure Limited to the consumers in various parts of the country;

And whereas, the copies of the said Gazette notification were made available to the public on or before 06th May, 2011;

And whereas, the objections received from the public to the laying of the pipeline have been considered and disallowed by the Competent Authority;

And whereas, the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government of India;

And whereas, Government of India, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the Right of User therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, Government of India hereby declares that the Right of User in the land, specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, Government of India hereby directs that the Right of User in the said land for laying the pipeline shall, instead of vesting in Government of India, vest on the date of publication of the declaration, in M/s Relogistics Infrastructure Limited, free from all encumbrances.

Schedule

Mandal/Tehsil/Taluk:Sathyavedu		District:Chittoor		State:Andhra Pradesh	
Village	Survey No./Sub-Division No.	Area to be acquired for RoU			
		Hec	Are	C-Are	
1	2	3	4	5	
1) Rajagopalapuram	7	00	03	68	
	8	00	03	16	
	9	00	44	97	
	10	00	01	06	
	20	00	67	08	
	21	00	46	13	
	79	00	09	29	
	84	00	01	88	
	86	00	43	71	
	92	00	09	66	
	17/4	00	02	97	
	17/10	00	06	94	
	17/12	00	14	93	
	17/13	00	03	24	
	18/4	00	04	95	
	18/5	00	10	80	
	18/6	00	05	07	
	18/7	00	05	48	
	19/3	00	05	74	
	19/7	00	06	18	
	19/8	00	04	35	
	19/12	00	08	69	
	19/13	00	03	97	
	19/15	00	01	56	
	80/1	00	19	20	
	80/3	00	05	75	
	80/5	00	00	30	
	80/6	00	09	62	
	80/9	00	08	05	
	80/10	00	00	24	
	80/13	00	02	45	
	80/4	00	03	23	
	80/8	00	03	14	
	80/11	00	06	80	
	80/12	00	00	66	
	85/2A	00	00	10	
	85/2B	00	17	96	

1	2	3	4	5
1) Rajagopalapuram (Contd)	85/3	00	14	65
	85/4	00	00	22
	85/14B	00	00	63
	91/7	00	01	68
	91/8	00	04	63
	91/9	00	01	29
	91/10	00	02	59
	91/11	00	07	32
	91/12	00	01	27
	94/6	00	03	18
	94/7	00	05	13
	94/13	00	02	97
	94/15	00	00	88
	94/16	00	00	44
	94/12	00	06	34
	94/14	00	19	46
	95/3	00	36	63
	95/4	00	02	45
	96/1	00	07	02
	96/6	00	00	73
	97/1	00	04	15
	97/4	00	09	68
	97/2	00	03	44

[F. No. L-14014/44/2010-G.P.]

K. K. SHARMA, Under Secy.

नई दिल्ली, 16 सितम्बर, 2011

का. आ. 2531.— भारत सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि तमिलनाडु में तिरुतनी के पास विजयवाडा-नेल्लोर-चैन्नई पाइपलाइन के टर्मिनल प्वाइंट में देश के विभिन्न हिस्सों में उपभोक्ताओं तक प्राकृतिक गैस के परिवहन के लिए भैमर्म गिलोजिमटिक्स इन्फ्रास्ट्रक्चर लिमिटेड द्वारा चैन्नई-वंगलौर-मंगलौर पाइपलाइन बिछाई जानी चाहिए;

और, भारत सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसके भीतर उक्त पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से उपावद्ध अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अनं. अव. भारत सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितवद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन जारी की गई अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाई जाने के लिए उपयोग के अधिकार के अर्जन के संबंध में श्री के.मल्लानाथ, सक्षम प्राधिकारी, गिलोजिमटिक्स इन्फ्रास्ट्रक्चर लिमिटेड, 74, पांचवीं मंजिल, प्रेस्टीज फ्लेज, कनिंगहम रोड, बंगलौर - 560 052, कर्नाटक राज्य को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तालुक : तुमकुरे		जिला : तुमकुर		राज्य : कर्नाटक		
गाँव का नाम		सर्वे सं./ सब डिविजन सं.		आर.ओ.यू.अर्जित करने के लिए क्षेत्रफल		
				हेक्टेयर	एयर	सि.एयर
1		2		3	4	5
1) बी सी कावल		1		00	67	72

[फा सं. एल.-14014/46/2011-जी.पी.]

के. के. शर्मा, अवर सचिव

New Delhi, the 16th September, 2011

S. O. 2531.—Whereas it appears to Government of India that it is necessary in public interest that for transportation of natural gas from terminal point of Vijayawada-Nellore-Chennai pipeline near Tiruttani in TamilNadu to consumers in various parts of the country, Chennai - Bangalore - Mangalore pipeline should be laid by M/s Relogistics Infrastructure Limited;

And, whereas, it appears to Government of India that for the purpose of laying such pipeline, it is necessary to acquire the Right of User in land under which the said pipeline is proposed to be laid and which are described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), Government of India hereby declares its intention to acquire the Right of User therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of the notification as published in the Gazette of India under sub-section (1) of Section 3 of the said Act, are made available to the general public, object in writing to the acquisition of the Right of User therein for laying the pipeline under the land to ^{Shri} K. Mallinath, Competent Authority, Relogistics Infrastructure Limited, #74, 5th Floor, Prestige Feroze, Cunningham Road, Bangalore-560052, Karnataka State.

Schedule

Taluk: Turuvekere		District: Tumkur		State: Karnataka		
Village		Survey No./Sub-Division No.		Area to be acquired for RoU		
				Hec	Are	C-Are
1		2		3	4	5
1) B.C. Kaval		1		00	67	72

F. No. L-14014/46/2011-G.P.]

K. K. SHARMA, Under Secy.

श्रम और रोजगार मंत्रालय

नई दिल्ली, 18 अगस्त, 2011

का.आ. 2532.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 27/1991) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-8-2011 को प्राप्त हुआ था।

[सं. एल-12012/274/89-आई आर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 18th August, 2011

S.O. 2532.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 27/1991) of the Industrial Tribunal-1, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of State Bank of India and their workman, received by the Central Government on 16-8-2011.

[No. L-12012/274/89-IR(B-I)]

RAMESH SINGH, Desk Officer

ANNEXURE**BEFORE THE INDUSTRIAL TRIBUNAL-I,
HYDERABAD****PRESENT:**

Smt. Anis, M.A., B.L., Chairman

Dated, 27th Day of July, 2011

L. D. No. 27 of 1991**BETWEEN:**State Bank of India Employees Union,
Peddibhotlavari Street, Vijayawada, A.P.

... Petitioner

ANDThe Management of State Bank of India,
Rep. by the Regional Manager,
Region-IV, II Zonal Office,
Visakhapatnam-530020.

... Respondent

APPEARANCES:

Sri P. Venkateshwar Rao, Advocate for the Petitioner

Sri B. G. Ravinder Reddy, Advocate for the Respondent

AWARD

The Government of India and Ministry of Labour by its order No. L-12012/274/89 IR B-III dated 12-2-1990 referred the following dispute for adjudication with the following issue found in the Annexure which reads as under:

“Whether the action of the Management of the State Bank of India, Regional Office, Visakhapatnam in imposing the punishment of stoppage of two increments by way of cancellation with cumulative effect of Sri Barnala K. Shankar Rao, Messenger in the Srikakulam Branch vide their order (3-0)/DPC/VSP/R-II/139 dt. 14-11-1985 was justified?

If not to what relief the said workman is entitled to?”

1. The original dispute was referred to the Industrial Tribunal-cum-Labour Court, Visakhapatnam by order No. L-12012/274/89 IR B-III dated 12-2-1990 of Ministry of Labour, Government of India, New Delhi. Later on it was transferred from the Industrial-cum-Labour Court, Visakhapatnam to this Court by order dated 10-7-1991 of Ministry of Labour, Government of India, New Delhi.

2. The brief averments made by the petitioner as follows:

The petitioner is the workman was appointed in the State Bank of India, Amudalavalasa branch as Messenger on 1st May 1967. His services were confirmed from 1-11-1967. He was transferred to Parvathipuram Branch on 31-7-1971 and he joined there on 8-9-1971. On 21-9-1972 he was placed under suspension on the allegation that on 7-9-1971 he surreptitiously removed one section containing one hundred currency notes of rupees ten denomination valued at Rs. 1,000. On 9-11-1973 the petitioner workman was charge sheeted by framing the charges. On 19-12-1973 the workman submitted his reply to the charge sheet and denied the allegation levelled against him by way of charges on the ground that he made a scapegoat to a organized union patronized and pampered by the Management of the Bank and he is innocent. He further stated that he was outside scope of the procedure for taking disciplinary action and the workman also requested to lift the suspension order. On 19-12-1974 the then Regional Manager and disciplinary authority ordered an enquiry and appointed Enquiry Officer. The workman also filed a civil suit O S No. 33/74 before the District Munsiff, Parvathipuram and obtained interim stay orders of the enquiry. The said suit was dismissed on 31-7-1979. Again he filed an Appeal AS No. 51/79 before the Subordinate Judge, Parvathipuram. The appeal was also dismissed on 6-4-1980. According to the petitioner the Government of India given directions that all suspensions pending for more than one year be reviewed and the suspension

lifted in appropriate cases. The petitioner suspension was also lifted vide orders dated 3-10-1978 with a rider "the question of payment or otherwise of the back wages and the extension of other benefits will be considered on the conclusion or the enquiry ordered". After the disposal of the Appeal suit 51/79 the domestic enquiry was commenced on 15th and 26th June, 1985 and 3rd July, 1985. The disciplinary authority held that the workman is guilty of the charges and dismissed the workman petition from the services. The petitioner stated that he was not furnished copies of the enquiry report, findings of the Enquiry Officer and proceedings of the disciplinary authority along with 2nd show cause notice. Thus, the workman had only the version of the Disciplinary Authority as to the findings of the Enquiry Officer of the charges. Thus the workman was denied the reasonable opportunity of rebutting the contentions of the Disciplinary Authority. On 25-10-1985 the workman appeared for the personal hearing and submitted his contentions in writing. Vide letter dated 14-11-1985 the Disciplinary Authority negatives the contentions of the workman and taken lenient view to reduce the punishment to stoppage of two increments by way of cancellation with cumulative effect. The workman also made his appeal to the Appellate Authority on 18-8-1986. The Appellate Authority dismissed the appeal of the workman. Thus the petitioner Union raised an I D before the Asstt. Labour Commissioner (Central), Visakhapatnam on 16-2-1988 and the said dispute ended in failure leading to the present reference. According to the petitioner the Disciplinary Authority and Appellate Authority failed to consider the workman's contentions. Therefore, petitioner prays the Tribunal to hold that the punishment imposed is unjustified and workman is entitled to having increments restored with back wages and other benefits.

3. The brief averments made in the counter filed by the respondent are as follows :

The respondent contended that the averments are not true, valid and tenable in law and the petitioner is put to strict proof of the same. The respondent admits about issuing the notification by the Government and sending reference to this Tribunal and also admitted that the petitioner was appointed in State Bank of India, Amudalavalasa Branch as Messenger and confirmed his services on 1-1-1967. Thereafter, he was shifted Parvathipuram Branch on 9-8-1971. The respondent admitted that on 21-9-1972 the petitioner workman was placed under suspension and the allegation that he surreptitiously removed one section containing 100 currency notes of Rs. 10 denomination valued at Rs. 1,000. The respondent admitted about issuing charge sheet to the petitioner workman. The

respondent also admitted about civil cases filed by the petitioner workman before the District Munsif, Parvathipuram and also before the Sub-Judge Court. Both the cases were dismissed on 31-7-1979 and 6-4-1985 respectively. According to the respondent the allegation of workman that the Respondent did not furnish the copies of the enquiry report and the findings of the Enquiry Officer and the proceedings of the Disciplinary Authority along with 2nd show cause notice are untenable. The respondent also stated that all the relevant records were with the State Bank of India, Parvathipuram Branch and the petitioner workman could have easily perused the same. According to the respondent reasonable opportunity was given to the petitioner workman. The respondent admits that the petitioner workman appeared at the personal hearing and made his submissions and he was allowed to defend his case through his counsel during the entire proceedings. The respondent further denied the allegation that they should have proceeded to prosecute the petitioner workman and they have no right to initiate disciplinary proceedings is misconceived and the Management of the Respondent got the discretionary powers either to initiate prosecution or disciplinary proceedings. The respondent denied the allegation that the evidence tendered did not support the charges and specifically stated that the witnesses were given evidence 13 years after the incident and consequently it would be unnatural to depose with mathematical precision regarding incident without discrepancies. Abnormal delay caused during the enquiry was due to deliberate acts of the petitioner workman who approached the Civil Court. The respondent also denied that the petitioner was not given fair hearing of the case and the management has no such intention and make him a scapegoat. The respondent also stated that the petitioner is not entitled for back wages as claimed and the case filed by the petitioner is purely speculative and the workman who is guilty of serious charges was dealt with reasonably and fairly by the respondent management and imposed minor punishment on sympathetic grounds. The contention of the petitioner that 2nd show cause notice dated 30-9-1985 was not accompanied by the Enquiry Officer records, is not valid and tenable and the petitioner workman is having no say about the practice and procedure adopted by the back. Further a personal hearing was given to the petitioner workman before imposing the punishment of dismissal after hearing the petitioner workman, a lenient view was taken by stoppage of two increments by way of cancellation with cumulative effect. The respondent management applied its brain and considered the matter judicially and finally prayed the Court to dismiss the reference with costs.

4. Now the points for the consideration :

- (i) "Whether the action of respondent in imposing the punishment of stoppage of two increments by way of cancellation with cumulative effect of Sri B. Shankar Rao was justified ?
- (ii) Whether the orders passed by the Management is violation by principles of natural justice and against the material on record ?
- (iii) Whether the misconduct of the petitioner is proved and the quantum of punishment is in accordance with the action of the petitioner ?"

5. Petitioner workman examined as WW1. Ex M1 to M19 are marked by consent on behalf of the Respondent.

6. Heard both sides and perused the record.

7. Point No. 1 to 3 : As per the record there is no dispute with B. Shankar Rao was appointed in State Bank of India, Amudalavalasa Branch as a Messenger on 1-5-1967 and his services were confirmed from 1-11-1967. The said workman transferred to Parvathipuram Branch on 31-7-1971 and joined there on 9-8-1971. It is also an admitted fact that the said workman was suspended from service on 21-9-1972 on the charge that he removed one section containing 100 currency notes of Rs. 10 in denomination of rupees valued at Rs. 1000. The charge sheet was issued on 19-12-1973 to the petitioner workman and he submitted his reply denying charges. It is also an admitted fact that the disciplinary authority ordered enquiry and appointed an Enquiry Officer. The petitioner workman questioned the said action by filing OS 33/74 before the Jr. Civil Judge, Parvathipuram which was dismissed on 31-7-1979. Against the said order the petitioner workman filed AS 51/79 before the Sub-Judge, Parvathipuram, and the same was also dismissed on 6-4-1985. Thereafter the domestic enquiry was conducted in the month June/July 1985 after producing the oral and documentary evidence by both the sides. The enquiry officer vide its proceeding dated 9-8-1985 held that the charges leveled against the workman were not proved. But the disciplinary authority not accepted the report of the enquiry officer and differed with the findings of the Enquiry Officer vide proceedings dated 3-9-1985 and held that the petitioner workman was guilty of charges leveled against him.

8. It is also an admitted fact that the disciplinary authority vide proceeding dated 30-9-1985 tentatively proposed to impose the punishment of dismissal from service since misconduct was serious and it was proved. The same was informed to the petitioner workman and a show cause notice was also issued to the workman for hearing about imposing of the punishment. During the personal hearing, the petitioner workman filed a written statement and after considering the contents of the written statement it was held that the workman whose integrity was doubtful had no place in Organization like a bank and that

he deserved punishment after dismissal from the bank service. But taking into his long service in the Bank, the disciplinary authority vide proceedings dated 14-8-1985 took a lenient view of his misconduct decided to reduce the punishment of stoppage of two increments with cumulative effect.

9. It is also an admitted fact that against the order of the disciplinary authority the petitioner workman preferred an appeal on 15-4-1986 and the appellate authority vide proceedings dated 18-8-1986 dismissed the appeal confirming the orders of the disciplinary authority.

10. It is also an admitted fact that the petitioner raised a dispute as such the Government of India vide proceeding dated 10-7-1991 referred the dispute between the Management of State Bank of India and their workman before the Tribunal.

11. During the pendency of the ID 27/1991 an order has been passed about the validity of the domestic enquiry. On 18-5-1994 this Tribunal passed orders holding with the enquiry officer "conducted the domestic enquiry against the petitioner workman in accordance with the principle of natural justice and there are no valid reasons to give any finding against the domestic enquiry". This order dated 18-5-1994 was not challenged by the workman before any appellate Court. Therefore, the orders dated 18-5-1994 became final. On 7-6-1994 an award has been passed by this Tribunal holding that the action of the Management in imposing the punishment to the workman was not justified and the petitioner workman is entitled to have his increments restored and he is entitled to back wages and benefits due on lifting of the suspension.

12. Aggrieved by the orders of this Tribunal the Management of State Bank of India filed W P No. 20599/1994. The Hon'ble High Court vide orders dated 5-8-2005 held that the Tribunal "On the evidence available on record shall examine the matter in accordance with the paragraph 50(a) of the judgment of the Hon'ble High Court with regard to prove of misconduct and quantum of punishment. The order of punishment of stoppage of two increments with cumulative was imposed of the workman nearly two decades ago on 14-11-1985 and the dispute was referred in ID 27/1991 for adjudication of the Tribunal 14 years ago. It is therefore necessary that the Tribunals are examines the matter and passes the award as expeditiously as possible".

13. After remand of the matter the petitioner workman only filed chief affidavit reiterating of the admitted facts happened during the domestic enquiry and disciplinary action taken by the Management and stated that the action of the Management against petitioner workman is mala fied, illegal and void ab initio and the orders of the Management imposing the punishment of stoppage of two increments was not justified.

14. Heard both sides and perused the written arguments filed by both the sides reiterating the same facts.

15. The Hon'ble High Court while passing the orders in W P clearly held that from the claim statement it is clear that the workman was given a copy of the enquiry officer's report and the findings of the disciplinary authority during the course of conciliation proceedings before the Asstt. Commissioner of Labour (Central) i.e., prior to the reference made by the Government to the Tribunal. The said documents were available with the workman when the union filed its claim statement on his behalf before the Tribunal. However, no plea was taken in the claim statement that prejudice was caused to the workman as a result of his not being furnished a copy of the enquiry report. The Hon'ble High Court further held "it is thus clear that even after receiving a copy of the enquiry report and the findings of the disciplinary authority, both before the Industrial Tribunal and before this Court, there is no plea that prejudice was caused to the workman on account of non-supply of the enquiry report and on his not being furnished with a copy of the findings of the disciplinary authority disagreeing with the findings of the enquiry officer".

16. Further the petitioner workman failed to prove what prejudice was caused on account of non-supply of a copy of the enquiry report and the copy of the findings of the disciplinary authority. Admittedly, this course held that a domestic enquiry conducted is valid and it was in accordance with the principles of natural justice and the petitioner workman has not challenged the order passed by this Tribunal about the validity of the domestic enquiry.

17. The Hon'ble High Court also held while admitting the writ petition "Since the domestic enquiry has already been held to be valid by the Tribunal, the punishment imposed on the workman is other than dismissal or discharge, and Sec. 2(A) does not therefore apply, the Tribunal on the evidence available on record, shall examine the matter in accordance with paragraph 50 (9) supra, with regard to proof of misconduct and the quantum of punishment".

18. Even after the remand the petitioner workman has not produced any evidence to show that due to non-supply of the copy of enquiry report and a copy of the finding of the disciplinary authority caused prejudice to him. Further there is no pleading to that effect by the petitioner workman.

19. The disciplinary authority vide proceeding dated 30-9-1985 tentatively proposed imposition of punishment of dismissal from service but it took a lenient view and after hearing the petitioner workman the said punishment was reduced to stoppage of two increments with cumulative effect. As per the record available the petitioner was working as a messenger in the bank and findings of the Enquiry Officer shows that the petitioner workman's integrity was doubtful and in the interest of the bank there is no place for the petitioner to work in a financial organization like bank and wants to impose serious punishment of dismissal but in view of the long service it has reduced to stoppage of

increments with cumulative effect. Further the petitioner workman himself responsible for long litigation. The order passed by the domestic enquiry and the disciplinary authority are in accordance with the principles of natural justice and the findings are as per the material on record. Therefore, the petitioner is no entitled for any relief of restoration of increments along with back wages and benefits due on lifting of the suspension.

In the result the reference is answered accordingly and the petitioner is not entitled for any relief.

Dictated to the Stenographer, transcribed by her and corrected, pronounced by me in the Open Court on 27th day of July, 2011.

ANIS, Chairman

Appendix of Evidence

Witnesses examined for petitioner	Witnesses examined for respondents
WW1 : B. Shankar Rao	- Nil -

Documents marked for petitioner

- Nil -

Documents marked for Respondent

(By consent)

Ex. M1	Charge sheet issued to the workman (Telugu and English versions) dated 9-11-1973.
Ex. M2	Notice of Domestic Enquiry dated 17-3-1975.
Ex. M3	Notice of Domestic Enquiry dated 16-5-1975.
Ex. M4	Letter addressed to the Branch Manager, Parvathipuram and marked to Sri R S Raju dated 28-5-1975.
Ex. M5	Prosecution Exhibits Exs. P1 to P4.
Ex. M6	Enquiry Officer's Report.
Ex. M7	Brief submitted by the prosecuting officials.
Ex. M8	Proceedings of the Disciplinary Authority proposing punishment dated 30-9-1985.
Ex. M9	Final proceedings of the Disciplinary Authority dated 14-11-1985.
Ex. M10	Appeal submitted by Sri B. Shankar Rao dated 24-6-1986.
Ex. M11	Letter addressed to the workman after personal hearing dated 14-11-1985.
Ex. M12	Letter of the Appellate Authority along with proceedings addressed to Sri B. Shankar Rao dated 18-8-1986.

Ex M13	Suspension order served to Sri B. Shankar Rao dated 21-9-1972.
Ex M14	Letter serviced to Sri B. Shankar Rao (advice regarding lifting of suspension) dated 3-10-1978.
Ex M15	Enquiry proceedings register.
Ex M16	Typed copies of enquiry proceedings register.
Ex M17	Letter of Sri B. Shankar Rao in reply to the charge sheet issued to him (copy) dated 19-12-1973.
Ex M18	Defence Exhibits D. Ex. 1.
Ex M19	Defence brief.

नई दिल्ली, 19 अगस्त, 2011

का.आ. 2533.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबंध में निम्नलिखित नियोजकों और उनके कर्मचारियों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या 112/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-8-2011 को प्राप्त हुआ था।

[सं. एल-12012/319/2002-आई आर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 19th August, 2011

S.O. 2533.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 112/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workman, which was received by the Central Government on 19-8-2011.

[No. L-12012/319/2002-IR(B-I)]
RAMESH SINGH, Desk Officer

ANNEXURE

**BEFORE SHRI J. P. CHAND, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR**

Case No. CGIT/NGP/112/2003

Date: 9-8-2011

Party No. 1 : The Dy. General Manager,
State Bank of India, Zonal Office,
Shankar Nagar, Raipur (CG) 492001.

Versus

Party No. 2 : Shri Shiv Kumar Kashyap,
S/o Shri Ghansiram Kashyap,
Gorkha Colony, New Shanti Nagar,
Raipur (CG) 492001.

AWARD

(Dated : 9th August, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of the State Bank of India, Zonal Office Raipur, and their workman, Shri Shiv Kumar Kashyap, for adjudication, as per letter No. L-12012/319/2002-IR(B-I) dated 2-5-2003, with the following Schedule :

"Whether the action of the Dy. General Manager, State Bank of India, Raipur (CG), in terminating the services of Shri Shiv Kumar Kashyap, S/o Shri Ghansiram Kashyap, Ex-Messenger is justified ? If not, to what relief is the workman entitled for ?"

2. On receipt of the reference, notices were sent to the parties for filing of their respective statement of claim and written statement, in response to which, the workman, Shri Shiv Kumar Kashyap ("the workman" in short) filed the statement of claim and the management of the State Bank of India, Raipur ("the party No. 1" in short) filed the written statement.

The case of the workman is that he was appointed temporarily in the post of messenger from August, 1995 to December, 1997 continuously without any break and in view of such service and the provisions of the Bi-Partite settlement between the Bank and All India State Bank of India Staff Federation dated 27-10-1988, he became a protected worker and entitled for all the permanent absorption in the Bank and the Bank conducted interview for all the protected workers during 1990 and the selected persons were wait listed for permanent absorption in future in the Bank's service and he was also interviewed and selected in the said interview and was included in the waiting list and as he was a protected worker and was about to be observed, he was offered temporary appointment but his services were abruptly terminated w.e.f. 1-1-1998, without assigning any reason and he had performed his duties for more than 240 days in a calendar year and got the status of a permanent employee, as per the provisions of section 25-B of the Act and in order to deprive him the benefits of regular employment, he was continued with artificial breaks in service and though posts were available, the party No. 1 did not absorb him and the action of the party No. 1 in terminating his services amounts to retrenchment, but before the termination of his services, neither one month's notice nor one month's wages in lieu of notice, nor retrenchment compensation was given to him and as such, the action of terminating of his services is illegal, inoperative and invalid and as the mandatory provisions of section 25-F of the Act were not complied with, he is entitled for reinstatement in service with back wages and the action of the party No. 1 in terminating his services is arbitrary, capricious and unfair

labour practice and he made representation to the Bank repeatedly for redressal of his grievances but without any result and the party No. 1 made appointments of fresh candidate in the post of Messenger but he was not given employment, which was violation of the mandatory provisions of section 25-H of the Act. The workman has prayed for declaring the action of the party No. 1 to be illegal and unlawful and to reinstate him in service with continuity and back wages.

3. The party No. 1 in its written statement has pleaded inter alia that the appointment of the workman was on daily wages basis depending upon the exigency of the work and for specific period and discontinuation of such engagement did not amount to retrenchment in terms of section 2(o) of the Act and various settlements were entered into between the State Bank of India and Federation of SBI unions and by virtue of such settlement and for any other reason, the workman did not become a protected worker and did not become entitled for permanent absorption in the Bank. The further case of the party no. 1 is that the workman had been enlisted in the waiting list for absorption, but the said list lapsed on 31-3-1997, as per the terms of the settlement dated 13-7-1996 and as such, the persons, whose turn could not come by 31-3-1997 could not be considered for permanent absorption and in 1999, the workman had raised the dispute on the same facts and circumstances, which are the subject matter of the present dispute and the Government of India by its notification dated 20/24-1-2000, was pleased to not refer the dispute and the workman again approached the same forum for the same relief and once the matter has been finally decided by the Hon'ble Supreme Court, in 1998 (SLP No. 11886-11888 of 1998), nothing survives and the dispute is to be answered in its favour and seventeen temporary workmen raised the dispute before the ALC, Raipur, out of whom, four being satisfied with the Bank's reply, withdrew their claims and five other workmen did not proceed against the Bank for one reason or the other and out of the remaining eight workmen, the case of one workman, Shri Kamal Soni was rejected by the Government and dispute of the rest seven workmen have been referred for adjudication for the reasons known to the concerned authorities and as the initial engagement of the workman was purely on temporary basis and the purpose for which, the workman was engaged was completed, the termination of his services was inevitable and the mere fact of completion of 240 days of work did not give the workman the status of permanent employee within the meaning of section-25-B of the Act and the workman was not given artificial breaks in service, and it did not adopt any unfair labour practice and the services of the workman were not terminated on 1-1-1998 (wrongly mentioned as 5-2-1998 in the written statement) and the workman was appointed temporarily for specific period and purpose and his services were terminated as per the appointment order and now, no work is available for him and in view of the appointment order, there was no need to comply with the provisions of

section 25-F of the Act and as such, its action cannot be said to be illegal and no fresh candidates were appointed by it as Messenger and there was no violation of the provisions of section 25-H of the Act and as such, the workman is not entitled for any relief.

4. In support of their respective claims, the parties have led oral evidence. The workman has examined himself as a witness in support of his claims. In his examination-in-chief, which is on affidavit, the workman has reiterated the facts mentioned in the statement of claim. However, in his cross-examination he has admitted that his appointment was temporary and he was appointed some time as a Messenger and some time as a canteen boy and some time as a peon etc.

5. One S.B. Aggrawal was examined as a witness on behalf of the party No. 1. He has also reiterated the facts mentioned in the written statement in his evidence.

6. At the time of argument, it was submitted by the learned advocate for the workman that the workman worked with the party No. 1 w.e.f. 3-6-1985 continuously without any break and he had completed 12 years of service and more than 240 days of continuous work in every calendar year and as such, he had got the status of a permanent employee and his services was terminated w.e.f. 31-12-1997, without assigning any reason and the mandatory provisions of section 25-F of the Act were not complied with and the termination amounts to retrenchment and due to non-compliance of the provisions of section 25-F of the Act, such retrenchment is illegal and as such, the workman is entitled for reinstatement with continuity of service and full back wages and after termination of the workman, the Bank made appointment of fresh candidates in the post of Messenger but did not give employment to the workman and thus violated the provisions of sections 25-G and 25-H of the Act and Rule 77 of the Industrial Disputes (Central) Rules. In support the contentions, the learned advocate for the workman placed reliance on the decisions reported in AIR 1960 SC-762 (Swadesh Mittran Ltd. Vs. Their Workmen), 2010 (3) Mh. L.J. 537 (SC) (Ramesh Kumar Vs. State of Haryana), 2006(1) SC 545 (Workman of Bhurkhunda Colliery Vs. Management of Bhurkhunda Colliery), 2008 (3) Mh. L.J. 660 (Shaymrao Vs. State) and many others.

It was also submitted that the Bank has taken the shelter of bi-partite settlement, which was entered into by the Bank and Staff Federation and the workman is not a member of the said union and the said settlement is not favourable to the workman and as such, the workman is not bound by such settlements and the workman is entitled for reinstatement in service with continuity and full back wages.

7. On the other hand, it was submitted by the learned advocate for the party No. 1 that the workman was appointed temporarily and he was duly considered by the party no. 1 for permanent absorption in the bank, as per the settlements and as such, he was interviewed and was put in the waiting

list and as the waiting list lapsed on 31-3-1997, he has no right for permanent absorption or re-appointment and in OJC No. 9039 of 1997 (G Madhavrao Vs. SBI) the Hon'ble Division Bench of Orissa High Court, while deciding the claim of some candidates whose names were in the waiting list of the Bank, for appointment, basing on the said list have held that the applicants are not entitled to get any relief when the selection list came to an end on 31-3-1997 and against the said order, special leave application (Civil) No. CC 3081 of 1999, was filed before the Hon'ble Apex Court but the special leave petitions were dismissed by the Hon'ble Apex Court on merit and therefore, the workman is not entitled for any relief. It was also submitted that as the engagement of the workman was purely on casual and temporary basis intermittently, due to administrative exigencies and need of work as messenger and was not as per procedure for permanent staff, his termination cannot be termed as retrenchment and in view of the decisions of the Hon'ble Apex Courts, even if it is found that the workman had completed more than 240 days of work, he is not entitled for regularization or reinstatement in service and as such, he is not entitled for any relief. In support of the contentions, reliance has been placed on the decisions reported in AIR 1997 SC 3657 (Himanshu Kumar Vidhyathi Vs. State of Bihar), AIR 1997 SC 3091 (Syndicate Bank Vs. Shankar Paul), 2007 SCC (L&S) 163 (State of U.P. Vs. Deshraj), 2006 SCC (L&S) 753 (Secretary State of Karnataka Vs. Umadevi) and many others.

Keeping in view the principles enunciated by the Hon'ble Courts in the decisions, on which reliance has been placed by the parties, now the present case at hand is to be decided.

8. So far the first contention that the workman was working from 1985 with the Bank continuously for more than 12 years is concerned, I find no force in the same as because, there was no such pleading in the statement of claim and as no evidence was adduced in support of the same. The workman has specifically pleaded that he worked from August 1995 to December 1997 and his services were terminated on 1-1-1998. In his evidence also, he has reiterated the same. Hence, the contention raised by the learned advocate for the workman cannot be accepted.

So far the contention regarding the non-application of the settlements entered into by the Bank and the Federation to the present workman is concerned, it is pleaded by the workman that in view of the term of the Bi-partite Settlement entered into by the Bank and the Federation, he became a protected worker and the Bank conducted interview for all the protected workers and selected him in the interview and his name was enlisted in the waiting list and the intention of the parties to the agreement was to absorb the waitlisted candidates permanently. When the workman himself has admitted about the settlements and by virtue of such settlements, his name to be enlisted in the

waiting list, there is no force in the contention that the settlements are not binding on the workman.

9. Admittedly the appointment of the workman was temporary for intermittent durations. The workman has pleaded such facts in his statement of claim. In view of the lapse of the waiting list prepared by the Bank on 31-3-1997 the workman is not entitled to claim appointment or reinstatement in service on the basis of such list, as the said question has already been set at rest by the decisions of the Hon'ble Orissa High Court and the Hon'ble Apex Court as mentioned above.

10. However, the claim of the workman in this case is not based on the waiting list prepared by the Bank. According to the claim of the workman, he was appointed temporarily in August 1995 and continue till December 1997 and as he had completed more than 240 days of continuous work in a calendar year, the termination of his services without following the mandatory provision of the Section 25-F of the Act is illegal and for that he is entitled for reinstatement in service.

The party No. 1 has denied the claim of the workman.

11. Perused the record including the statement of claim, written statement, oral and documentary evidence adduced by the parties and written notes of arguments. It is the admitted case of the workman that he was appointed temporarily. The documents filed by the workman show that he was engaged as a temporary messenger and not on permanent basis. There is nothing on record to show that the workman was appointed by following due procedure of appointment applicable to the Bank. So it is clear from the evidence that the workman was working on casual basis as a temporary messenger.

On perusal of the documents filed by the workman it is found that the appointment of the workman was purely on temporary basis for a specific period and his re-appointment on fresh basis from time to time on the basis of specific order. It is also found from the documents that in the orders for temporary appointment, specific condition has been mentioned that the appointment to be purely temporary in nature due to exigency of work and need of the Bank and the workman would not be entitled to claim permanent employment and the workman accepting the condition had worked with party No. 1. It is also found from the documents that the temporary appointment was made by the Branch Manager of the Bank.

It is also well settled by the Hon'ble Apex Court in a number of decisions including the decision of the Constitutional Bench reported in AIR 2006 SC 1806 (Secretary State of Karnataka & Others Vs. Umadevi and Others) that unless the appointment is in terms of the relevant rules and after a proper competition among qualified persons, the same would not confer any right on the

appointee and if it is a contractual appointment, the appointment comes to an end at the end of the contract and if the appointment is on casual basis, the same would come to an end, when it is discontinued and a temporary employee has no right to claim to be made permanent and on expiry of the term of his appointment, he do not entitled for reinstatement in service.

Applying the principles enunciated by the Hon'ble Apex Courts to the present case at hand, it is found that the provisions of Section 25-F are not applicable to this case as from the documents filed by the workman show that his appointment was coming to an end at the end of the contract and as such, the workman has no right to claim reinstatement in service.

Moreover, it is well settled by the Hon'ble Apex Court in number of decisions that the initial burden of proof is on the workman to show that he completed 240 days of service in the preceding 12 months of the date of alleged termination and the onus of proof doesn't shift to employer nor is the burden of proof on the workman discharged, merely because employer fails to prove a defence and filing of affidavit of the workman to the effect that he had worked for 240 days continuously or that the workman had made repeated representation or raised demands for reinstatement, is not sufficient evidence that can discharge the said burden and other substantive evidence needs to be adduced to prove 240 days' continuous service. In this case, the workman has claimed that his services were terminated on 1-1-1998. So now, it is to be seen as to whether the workman has been able to discharge the initial burden to show that he worked for 240 days in the preceding 12 months of 1-1-1998. In support of his claim, the workman besides filing his affidavit has filed documents in regard to his appointment and the said documents have been marked as exhibits W-4 to W-15. The said documents show that the workman worked for 31 days, 28 days, 31 days, 30 days, 29 days and 31 days in January, February, March, April, June and July of 1997 respectively. No document has been filed by the workman to show that he worked in May 1997 and after 31-7-1997 till 31-12-1997. The total working days in the preceding 12 months of 1-1-1998 comes to 180 days. There is no other evidence on record to show that the workman completed 240 days of work in the preceding 12 months of 1-1-1998. As the workman has failed to discharge the initial burden that he worked for 240 days in the preceding 12 months of 1-1-1998, the provisions of Section 25-F are not applicable to this case.

12. There is also no legal evidence on record to show that freshers were appointed as messengers by the party No. 1, after the termination of the services of the workman and the workman was not given employment and as such, it cannot be held that there was violation of the provisions of sections 25-G and 25-H of the Act and Rule 77 of the Rules. Hence, it is ordered :

ORDER

The action of the Dy. General Manager, State Bank of India, Raipur (CG) in terminating the services of Shri Shiv Kumar Kashyap, Ex-messenger is justified. The workman is not entitled for any relief.

J. P. CHAND, Presiding Officer

नई दिल्ली, 19 अगस्त, 2011

का.आ. 2534.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या 214/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-8-2011 को प्राप्त हुआ था।

[सं. एल-12012/110/2003-आई आर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 19th August, 2011

S.O. 2534.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 214/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, which was received by the Central Government on 19-8-2011.

[No. L-12012/110/2003-IR(B-1)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE SHRI J. P. CHAND, PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/214/2003

Date : 9-8-2011

Party No. 1 : The Dy. General Manager,
State Bank of India, Zonal Office,
Shankar Nagar, Raipur (CG) 492001

Versus

Party No. 2 : Shri Bhaiyaram Vishwakarma,
S/o Shri Mohan Vishwakarma,
Village : Dotopar, PO : Lahad,
Th. : Balodbazar,
Distt. : Raipur (Chattisgarh)

AWARD

(Dated : 9th August, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short). the Central Government has referred the industrial dispute between the employers, in relation to the management of

the State Bank of India and their workman, Shri Bhaiyaram Vishwakarma, for adjudication, as per letter No. L-12012/110/2003-IR(B-I) dated 8-8-2003, with the following Schedule :

SCHEDULE

"Whether the action of the Dy. General Manager, State Bank of India, Raipur (CG), in terminating the services of Shri Bhaiyaram Vishwakarma, S/o Shri Mohan Vishwakarma, Ex-messenger is legal and justified ? If not, what relief is the workman entitled for ?"

2. On receipt of the reference, notices were sent to the parties for filing of their respective statement of claim and written statement, in response to which, the workman, Shri Bhaiyaram Vishwakarma ("the workman" in short) filed the statement of claim and the management of the State Bank of India, Raipur ("the party No. 1" in short) filed the written statement.

The case of the workman is that he was appointed temporarily in the post of messenger from 25-1-1997 to 25-1-1998 continuously and he had also worked from 3-8-1985 to 2-2-1985 and 1-3-1987 to 10-8-1987 with party no. 1 and in view of such service and the provisions of the BI-partite settlement between the Bank and All India State Bank of India Staff Federation dated 27-10-1988, he became a protected worker and entitled for all the permanent absorption in the Bank and the Bank conducted interview for all the protected workers during 1990 and the selected persons were wait listed for permanent absorption in future in the Bank's service and he was also interviewed and selected in the said interview and was included in the waiting list and as he was a protected worker and was about to be observed, he was offered temporary appointment but his services were abruptly terminated w.e.f. 26-1-1998, without assigning any reason and he had performed his duties for more than 240 days in a calendar year and got the status of a permanent employee, as per the provisions of Section 25-B of the Act and in order to deprive him the benefits of regular employment, he was continued with artificial breaks in service and though posts were available, the party No. 1 did not absorb him and the action of the party No. 1 in terminating his services amounts to retrenchment, but before the termination of his services, neither one month's notice nor one month's wages in lieu of notice, nor retrenchment compensation was given to him and as such, the action of terminating of his services is illegal, inoperative and invalid and as the mandatory provisions of Section 25-F of the Act were not complied with, he is entitled for reinstatement in service with back wages and the action of the party No. 1 in terminating his services is arbitrary, capricious and unfair labour practice and he made representation to the Bank repeatedly for redressal of his grievances but without any result and the party No. 1 made appointments of fresh candidate in the post of messenger but he was not given employment, which was violation of the mandatory provisions of Section 25-H of the Act. The workman has

prayed for declaring the action of the party No. 1 to be illegal and unlawful and to reinstate him in service with continuity and back wages.

3. The party No. 1 in its written statement has pleaded inter alia that the appointment of the workman was on daily wages basis depending upon the exigency of the work and for specific period and discontinuation of such engagement did not amount to retrenchment in terms of section 2(oo) of the Act and various settlements were entered into between the State Bank of India and Federation of SBI unions and by virtue of such settlement and for any other reason, the workman did not become a protected worker and did not become entitle for permanent absorption in the Bank. The further case of the party No. 1 is that the workman had been enlisted in the waiting list for absorption, but the said list lapsed on 31-3-1997, as per the terms of the settlement dated 13-7-1996 and as such, the persons, whose turn could not come by 31-3-1997 could not be considered for permanent absorption and in 1999, the workman had raised the dispute on the same facts and circumstances, which are the subject matter of the present dispute and the Government of India by its notification dated 20/24-1-2000, was pleased to not refer the dispute and the workman again approached the same forum for the same relief and once the matter has been finally decided by the Hon'ble Supreme Court, in 1998 (SLP No. 11886-11888 of 1998), nothing survives and the dispute is to be answered in its favour and seventeen temporary workmen raised the dispute before the ALC, Raipur, out of whom, four being satisfied with the Bank's reply, withdrew their claims and five other workman did not proceed against the Bank for one reason or the other and out of the remaining eight workmen, the case of one workman, Shri Kamal Soni was rejected by the Government and dispute of the rest seven workmen have been referred for adjudication for the reasons known to the concerned authorities and as the initial engagement of the workman was purely on temporary basis and the purpose for which, the workman was engaged was completed, the termination of his services was inevitable and the more fact of completion of 240 days of work did not given the workman the status of permanent employee within the meaning of Section-25-B of the Act and the workman was not given artificial breaks in service, and it did not adopt any unfair labour practice and the services of the workman were not terminated on 26-1-1998 (wrongly mentioned as 5-2-1998 in the written statement) and the workman was appointed temporarily for specific period and purpose and his services were terminated as per the appointment order and now no work is available for him and in view of the appointment order, there was no need to comply with the provisions of Section 25-F of the Act and as such, its action cannot be said to be illegal and no fresh candidates were appointed by it as messenger and there was no violation of the provisions of Section 25-H of the Act and as such, the workman is not entitled for any relief.

4. In support of their respective claims, the parties have led oral evidence. The workman has examined himself as a witness in support of his claims. In his examination-in-chief, which is on affidavit, the workman has reiterated the facts mentioned in the statement of claim. However, in his cross-examination he has admitted that his appointment was temporary and he was appointed some time as a messenger and some time as a canteen boy and some time as a peon etc.

5. One S.B. Agrawal was examined as a witness on behalf of the party No. 1. He has also reiterated the facts mentioned in the written statement in his evidence.

6. At the time of argument, it was submitted by the learned advocate for the workman that the workman worked with the party No. 1 w.e.f. 3-6-1985 continuously without any break and he had completed 12 years of service and more than 240 days of continuous work in every calendar year and as such, he had got the status of a permanent employee and his services were terminated w.e.f. 31-12-1997, (should have been 26-1-1998 as per statement of claim) without assigning any reason and the mandatory provisions of section 25-F of the Act were not complied with and the termination amounts to retrenchment and due to non-compliance of the provisions of Section 25-F of the Act, such retrenchment is illegal and as such, the workman is entitled for reinstatement with continuity of service and full back wages and after termination of the workman, the Bank made appointment of fresh candidates in the post of messenger but did not give employment to the workman and thus violated the provisions Sections 25-G and 25-H of the Act and Rule 77 of the Industrial Disputes (Central) Rules. In support the contentions, the learned advocate for the workman placed reliance on the decisions reported in AIR 1960 SC-762 (Swadesh Mittran Ltd. Vs. Their Workmen), 2010 (3) Mh. L.J. 537 (SC) (Ramesh Kumar Vs. State of Haryana), 2006 (1) SC 545 (Workman of Bhurkhunda Colliery Vs. Management of Bhurkhunda Colliery), 2008 (3) Mh. LJ 660 (Shaymrao Vs. State) and many others.

It was also submitted that the Bank has taken the shelter of bi-partite settlement, which was entered into by the Bank and Staff Federation and the workman is not a member of the said union and the said settlement is not favourable to the workman and as such, the workman is not bound by such settlements and the workman is entitled for reinstatement in service with continuity and full back wages.

7. On their other hand, it was submitted by the learned advocate for the party No. 1 that the workman was appointed temporarily and he was duly considered by the party No. 1 for permanent absorption in the bank, as per the settlements and as such, he was interviewed and was put in the waiting list and as the waiting list lapsed on 31-3-1997, he has no right for permanent absorption or re-appointment and in OJC No. 9039 of 1997 (G Madhavrao Vs. SBI) the Hon'ble

Division Bench of Orissa High Court, while deciding the claim of some candidates whose names were in the waiting list of the Bank, for appointment, basing on the said list have held that the applicants have are not entitled to get any relief when the selection list came to an end on 31-3-1997 and against the said order, special leave application (Civil) No. CC 3081 of 1999, was filed before the Hon'ble Apex Court but the special leave petitions were dismissed by the Hon'ble Apex Court on merit and therefore, the workman is not entitled for any relief. It was also submitted that as the engagement of the workman was purely on casual and temporary basis intermittently, due to administrative exigencies and need of work as messenger and was not as per procedure for permanent staff, his termination cannot be termed as retrenchment and in view of the decisions of the Hon'ble Apex Courts, even if it is found that the workman had completed more than 240 days of work, he is not entitled for regularization or reinstatement in service and as such, he is not entitled for any relief. In support of the contentions, reliance has been placed on the decisions reported in AIR 1997 SC 3657 (Himanshu Kumar Vidhyarthi Vs. State of Bihar), AIR 1997 SC 3091 (Syndicate Bank Vs. Shankar Paul), 2007 SCC (L&S) 163 (State of U.P. Vs. Deshraj), 2006 SCC (L&S) 753 (Secretary State of Karnataka Vs. Umadevi) and many others.

Keeping in view the principles enunciated by the Hon'ble Courts in the decisions, on which reliance has been placed by the parties, now, the present case at hand is to be decided.

8. So far the first contention that the workman was working from 1985 with the Bank continuously for more than 12 years is concerned, I find no force in the same as because, there was no such pleading in the statement of claim and as no evidence was adduced in support of the same. The workman has specifically pleaded that he worked from August 1995 to December 1997 and his services were terminated on 1-1-1998. In his evidence also, he has reiterated the same. Hence, the contention raised by the learned advocate for the workman cannot be accepted.

So far the contention regarding the non-application of the settlements entered into by the Bank and the Federation to the present workman is concerned, it is pleaded by the workman that in view of the term of the bi-partite Settlement entered into by the Bank and the Federation, he became a protected worker and the Bank conducted interview for all the protected worker and selected him in the interview and his name was enlisted in the waiting list and the intention of the parties to the agreement was to absorb the waitlisted candidates permanently. When the workman himself has admitted about the settlements and by virtue of such settlements, his name to be enlisted in the waiting list, there is no force in the contention that the settlements are not binding on the workman.

9. Admittedly the appointment of the workman was temporary. The workman has pleaded such facts in his statement of claim. In view of the lapse of the waiting list prepared by the Bank on 31-3-1997 the workman is not entitled to claim appointment or reinstatement in service on the basis of such list, as the said question has already been set at rest by the decision of the Hon'ble Orissa High Court and the Hon'ble Apex Court as mentioned above.

10. However, the claim of the workman in this case is not based on the waiting list prepared by the Bank. According to the claim of the workman, he was appointed temporarily in August 1995 and continue till December 1997 and as he had completed more than 240 days of continuous work in a calendar year, the termination of his services without following the mandatory provision of Section 25-F of the Act is illegal and for that he is entitled for reinstatement in service.

The party No. 1 has denied the claim of the workman.

11. Perused the record including the statement of claim, written statement, oral and documentary evidence adduced by the parties and written notes of arguments. It is the admitted case of the workman that he was appointed temporarily. The documents filed by the workman show that he was engaged as a temporary messenger and not on permanent basis. There is nothing on record to show that the workman was appointed by following due procedure of appointment applicable to the Bank. So it is clear from the evidence that the workman was working on casual basis as a temporary messenger.

On perusal of the documents filed by the workman it is found that the appointment of the workman was purely on temporary basis for a specific period and his re-appointment on fresh basis from time to time on the basis of specific order. It is also found from the documents that in the orders for temporary appointment, specific condition has been mentioned that the appointment to be purely temporary in nature due to exigency of work and need of the Bank and the workman would not be entitled to claim permanent employment and the workman accepting the condition had worked with party No. 1. It is also found from the documents that the temporary appointment was made by the Branch Manager of the Bank.

It is also well settled by the Hon'ble Apex Court in a number of decisions including the decision of the Constitutional Bench reported in AIR 2006 SC-1806 (Secretary, State of Karnataka & Others Vs. Umadevi and Others) that unless the appointment is in terms of the relevant rules and after a proper competition among qualified persons, the same would not confer any right on the appointee and if it is a contractual appointment, the appointment comes to an end at the end of the contract and if the appointment is on casual basis, the

same would come to an end, when it is discontinued and a temporary employee has no right to claim to be made permanent and on expiry of the term of his appointment, he is not entitled for reinstatement in service.

Applying the principles enunciated by the Hon'ble Apex Courts to the present case at hand, it is found that the provisions of Section 25-F are not applicable to this case as from the documents filed by the workman show that his appointment was coming to an end at the end of the contract and as such, the workman has no right to claim reinstatement in service.

12. There is also no legal evidence on record to show that freshers were appointed as messengers by the party No. 1, after the termination of the services of the workman and the workman was not given employment and as such, it cannot be held that there was violation of the provisions of Sections 25-G and 25-H of Act and Rule 77 of the Rules. Hence, it is ordered :

ORDER

The action of the Dy. General Manager, State Bank of India, Raipur (CG) in terminating the services of Shri Bhaiyaram Vishwakarma, Ex-messenger, is legal and justified. The workman is not entitled for any relief.

J.P. CHAND, Presiding Officer

नई दिल्ली, 19 अगस्त, 2011

का.आ. 2535.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक ऑफ बीकानेर एण्ड जयपुर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जयपुर के पंचाट (संदर्भ संख्या 31/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-8-2011 प्राप्त हुआ था।

[सं. एल-12012/282/2004-आई आर (बी-1)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 19th August, 2011

S.O. 2535.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 31/2005) of the Central Govt. Indus Tribunal-cum-Labour Court, Jaipur as shown in the Annexure in the industrial dispute between the management of State Bank of Bikaner & Jaipur and their workman, which was received by the Central Government on 19-8-2011.

[No. L-12012/282/2004-IR(B-1)]
RAMESH SINGH, Desk Officer

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, JAIPUR****PRESENT:**

N. K. Purohit, Presiding Officer

I D. No. 31/2005Reference No. L-12012/282/2004/IR(B-I)
dated 21-3-2005Sh. Shanker Lal Nagar,
S/o Sh. Kanhiyalal,
C/o Secretary, Hind Mazdoor Sabha,
Bengali Colony, Chhawani, Kota (Raj.)

V/s

1. The Branch Manager,
State Bank of Bikaner & Jaipur,
Gandhi Chowk, Kota City Branch,
Kota (Raj.)
2. The Assistant General Manager,
State Bank of Bikaner & Jaipur,
Tilak Marg, Jaipur (Raj.)

AWARD

Dated : 19-7-2011

1. The Central Government in exercise of the powers conferred under clause (d) of Sub-section 1 & 2(A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following industrial dispute to this tribunal for adjudication which is as under :

"Whether the contention of the workman Shri Shanker Lal Nagar that he has worked continuously for more than 240 days in consecutive 12 months during the period from 10-7-2000 to 17-4-2004 is correct ? If yes, whether the action of the Branch Manager, State Bank of Bikaner & Jaipur, Kota City Branch, Gandhi Chowk, Kota (Raj.) in terminating the service of the workman w.e.f. 19-4-2004 is legal & justified? If not, to what relief the workman is entitled to and from which date ?"

2. The workman has pleaded in his statement of claim that he was employed for filling water, cleaning & performing work pertaining to class IV employee at Gandhi Chowk Branch, Kota. He has further pleaded that he had worked continuously for more than 240 days during period 10-7-2000 to 17-4-2004 but his services were terminated in violation of Section 25-F of the I.D. Act. He has also pleaded that at the time of his termination the junior persons to him were retained by the management in contravention of Section 25-G of the I.D. Act. It is alleged that subsequent to his termination a fresh hand named Sh. Sumant Mangal was engaged by the non-applicant management in violation of Section 25-H of the Act. Thus, the workman has prayed for

his reinstatement with back wages & other consequential benefits.

3. The management in its reply while denying the claim of the workman contended that the workman had occasionally worked as water supplier on fixed rate on the basis of oral contract. He was never appointed by the bank on any post & employer & employee relation never existed. The provisions of Section 2(oo) & provisions of Section 25-F, G & H are not applicable in this matter.

4. In rejoinder, apart from reiterating his earlier averments made in his claim statement, it has further been pleaded that payments were made to him directly by the non-applicant & subsequent to his termination Sh. Vijay Singh was engaged in his place.

5. On the basis of rival pleadings of both the sides following points for determination were made :

Points for determination :

- I. Whether the workman was employed on 10-7-2000 as a 4th Class by the non-applicant management, who continuously worked and whose service was terminated on 19-4-2004 in violation of Section 25-F of the Act ? BOA
 - II. Whether at the time of terminating the service of the workman the junior persons to him were retained by the management in contravention of Section 25-G of the Act? BOA
 - III. Whether subsequent to the termination of the workman, a fresh hand named Sh. Sumant Mangal was engaged by the non-applicant management in violation of Section 25-H of the Act ? BOA
 - IV. Relief, if any.
6. In evidence the workman has submitted his affidavit who was cross-examined by the representative on behalf of the management. On behalf of the management counter affidavit of Sh. M.M. Maheshwari, Branch Manager has been placed on record but at the stage of cross-examination on his affidavit an application was moved by the representative on behalf of the workman that he did not want to represent the workman. Thus, the workman sought time for filing authority letter in favour of another representative to represent him. Again he sought time on next date. Therefore, case was posted on 11-5-11 but on said date none appeared on behalf of the workman. Thus, in above factual backdrop management witness could not be cross examined & the case was reserved for passing award.
7. Both the sides have produced record in support of their respective case.
8. None present on behalf of both the parties. I have scanned the record. The point wise discussion follows as under :

Point No. I

9. The workman has stated in his affidavit that he was employed on 10-7-2000 for filling water, cleaning & performing work relating to class 4th employees & he used to work for 8 to 9 hours. He has further stated that he had worked for more than 240 days during period from 17-2-2000 to 19-4-2004 despite this his services were terminated on 19-4-04 without any notice or compensation in lieu of notice.

10. The management witness Sh. M.M. Mahewari has stated in his counter affidavit that the workman was never engaged on any post. He had worked only for supplying water on contractual basis & the workman had received the amount for supplying water without any objection. He had never performed any work of class IV employee & he had not worked for 240 days during any calendar year.

11. The management has produced Ex. M-1 to Ex. M-138 documents. Ex. M-1 to Ex. M-134 which are photo copies of payment vouchers of different dates along with applications submitted by the workman for payment during period 6-9-2000 to 26-4-2004. Ex. M-135 is a photocopy of petty charge/cash Register for the period 2-2-01 to 29-4-04. Ex. M-136 & M-137 are photo copies of Identity card & Rashan card of the applicant which have been produced to show that in the year 2000 the age of the workman was below 18 years. Ex. M-138 is the copy of the application dated 24-3-04 said to be submitted by the applicant for granting bank loan.

12. The workman in his cross-examination has admitted that Ex. M-1 to Ex-M-134 bear his signature & these payment vouchers were prepared on the basis of his applications submitted by him for payment pertaining to supply of water & payments were made to him by vouchers.

13. To attract the provisions of Section 25(F) of I.D. Act one of the condition required is that the workman is employed in any industry for a continuous period which would not be less than one year. Under sub-clause (1) of the section 25(B), if a workman has put in uninterrupted service of establishment including the service which may interrupted on account of sickness, authorize leave, accident, a strike which is not illegal, a lock out or cessation of work that is not due to any fault on the part of the workman shall be said to be in continuous service for one year i.e. 12 months in respect of number of days he has actually worked with interrupted service permissible under sub-section (1) of Section 25(B).

14. It is not the case of the applicant that he was in continuous service of the non-applicant for one year within the meaning of sub-section (1) of Section 25(B) of the I.D. Act. He has never contended that he was regularly employed with the non-applicant establishment for one year to claim the uninterrupted period of service as required under Section 25(B)(1) of the Act.

15. Thus, the scope of enquiry is now confined to only 12 months preceding the date of termination to consider the questions whether the case of the applicant falls under sub-section (2) of section 25(B) & attract the provisions under section 25(F) of I.D. Act. Section 25(B)(2) says that even if a workman has not been in continuous service for a period of one year as envisaged under sub-section (1) of 25(B) of I.D. Act, he shall be deemed to have been in such continuous service for a period of one year if he has actually worked under the employer for 240 days in preceding period of twelve month from the date of his termination.

16. As per the documents Ex. M-1 to Ex. M-138 produced by the management the working days of the workman during period 6-9-2000 to 26-4-2004 are as under :

Year	No. of working days
2000	64 days (Ex. M-1 to M-10)
2001	164 days (Ex. 11 to Ex. 39)
2002	241 days (Ex. 40 to Ex. 80)
2003	213 days (Ex. 81 to Ex. 118)
2004	91 days (Ex. 119 to Ex. 134)

17. Thus, it is evident from the documents Ex. M-40 to Ex. M-80 pertaining to year 2002 that the workman had worked for more than 240 days during the said calendar year.

18. It is also evident from the documents Ex. M-90 to Ex. M-134 pertaining to period from 26-5-03 to 17-4-04 that the workman had worked for 257 days during preceding 12 months from the date of his termination i.e. 19-4-04.

19. The workman has produced certain photocopies of the applications submitted by him for payment & copies of the Xerox & photocopy center etc. which show that he used to deliver dak & performing other work relating to class IV employee.

20. Thus, from the material brought on record, it is established that the workman had worked as daily wager in the Gandhi Chowk Branch of the Bank at Kota for more than 240 days in the calendar year 2001 & also during preceding 12 months from the date of his termination.

21. Admittedly, neither notice nor compensation in lieu of notice was served to the workman in compliance of Section 25-F of the I.D. Act, therefore, this point is decided in favour of the workman.

Point No. II

22. In para 8 of the claim statement there is simply bald allegations that at the time of termination junior to the workman were retained in violation of section 25-H of the I.D. Act but the workman had not named any such person. Moreover, he has not stated anything in his affidavit in support of his pleading. Therefore, the workman has failed to establish that at the time of his termination any junior was

retained in violation of section 25-H of the I.D. Act. Resultantly, this point is decided against the workman.

Point No. III

23. The workman has stated in his affidavit that subsequent to his termination Sh. Sumant Mangal & Sh. Vijay Singh were employed by the management without any offer of re-employment to him but in claim statement he has not named Sh. Vijay Singh. In rejoinder, it has been pleaded that Sh. Vijay Singh was employed by the management without any offer of re-employment. Thus, on this point there is material contradiction in pleadings of the claim statement & rejoinder. Moreover, the workman has not adduced any document in support of his statement. His oral evidence on this point does not inspire confidence & cannot be relied upon. The workman has failed to establish that subsequent to his termination fresh hands were employed by the management in violation of section 25-G of the I.D. Act. Therefore, this point is also decided against the workman.

Point No. IV

24. On account of the decision on point No. I in favour of the workman, his claim deserves to be allowed & it is held that action of the management in terminating the service of the workman is not legal & justified being in violation of section 25-F of the I.D. Act.

25. In 2008(1) SCC L&S 264 Hon'ble Apex Court has observed :

"Whereas at one point of time, reinstatement of the respondent with full back wages used to be automatically granted, but keeping in view several other factors and in particular the doctrine of public employment and involvement of the public money, a change in the said trend is now found in the recent decisions of the Supreme Court. The Supreme Court in a large number of decisions in the matter of grant of relief of the kind, distinguished between a daily wager who does not hold a post and a permanent employee."

26. In present matter, while giving relief this fact cannot be ignored that the workman was working as a daily wager only. The nature of job, the period during which he had worked & having regard all the facts & circumstances in the case instead of reinstating him the interest of justice will be sub-served by paying compensation to the workman instead & in place of relief of reinstatement in service.

27. In the result, the reference is answered in the favour of workman & it is held that the action of the Branch Manager, State Bank of Bikaner & Jaipur, Kota City Branch, Gandhi Chowk, Kota in terminating the service of the workman Sh. Shanker Lal is not justified & legal. He is entitled to get an amount of Fifteen Thousand as compensation from the Bank which will be payable to him within eight weeks from the

date of publication of award failing which the said amount would carry the interest @ 8% per annum.

28. Award as above.

N.K. PUROHIT, Presiding Officer

नई दिल्ली, 19 अगस्त, 2011

का.आ. 2536.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या 115/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-8-2011 को प्राप्त हुआ था।

[सं. एल-12012/322/2002-आई आर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 19th August, 2011

S.O. 2536.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 115/2003) of the Central Govt. Indus. Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the Industrial Dispute between the management of State Bank of India and their workman, which was received by the Central Government on 19-8-2011.

[No. L-12012/322/2002-IR(B-1)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE SHRI J.P. CHAND, PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/115/2003

Dated 09-08-2011

Party No. 1 : The Dy. General Manager,
State Bank of India, Zonal Office,
Shankar Nagpur, Raipur (CG)-492001

Versus

Party No. 2 : Shri Deo Kumar Dewangan,
S/o Shri Motilal Dewangan, Govt.
Primary School, Behind Changhore
Bhata, Ring Road, No. I, P.O. :
Sundernagar, Raipur (CG)-492001

AWARD

(Dated : 09th August, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of the State Bank of India and their workman.

Shri Deo Kumar Dewangan, for adjudication, as per letter No. L-12012/322/2002-IR(B-I) dated 9-4-2003, with the following Schedule :

SCHEDULE

“Whether the action of the Dy. Manager, State Bank of India, Raipur (CG) in terminating the services of Shri Deo Kumar Dewangan, S/o Shri Motilal Dewangan, Ex-Messenger is legal and justified? If not, to what relief is the workman entitled for?”

2. On receipt of the reference, notices were sent to the parties for filing of their respective statement of claim and written statement, in response to which, the workman Shri Deo Kumar Dewangan (“the workman” in short) filed the statement of claim and the management of the State Bank of India, Raipur (“the party No. 1” in short) filed the written statement.

The case of the workman is that he was appointed temporarily in the post of Messenger from 23-08-1995 to 4-2-1998 continuously and in view of such service and the provisions of the Bi-Partite Settlement between the Bank and All India State Bank of India Staff Federation dated 27-10-1988, he became a protected worker and entitled for permanent absorption in the Bank and the Bank conducted interview for all the protected workers during 1990 and the selected persons were wait listed for permanent absorption in future in the Bank's service and he was also interviewed and selected in the said interview and was included in the waiting list and as he was a protected worker and was about to be observed, he was offered temporary appointment but his services were abruptly terminated w.e.f. 5-2-1998, without assigning any reason and he had performed his duties for more than 240 days in a calendar year and got the status of a permanent employee, as per the provisions of section 25-B of the Act and in order to deprive him the benefits of regular employment, he was continued with artificial breaks in service and though posts were available, the party No. 1 did not absorb him and the action of the party No. 1 in terminating his services amounts to retrenchment, but before the termination of his services, neither one month's notice nor one month's wages in lieu of notice, nor retrenchment compensation was given to him and as such, the action of terminating his services is illegal, inoperative and invalid and as the mandatory provisions of section 25-F of the Act were not complied with, he is entitled for reinstatement in service with back wages and the action of the party No. 1 in terminating his services is arbitrary, capricious and unfair labour practice and he made representation to the Bank repeatedly for redressal of his grievances but without any result and the party No. 1 made appointments of fresh candidates in the post of Messenger but he was not given employment, which was violation of the mandatory provisions of section 25-H of the Act. The workman has prayed for declaring the action of the party No. 1 to be illegal and unlawful and to reinstate him in service with continuity and back wages.

3. The party No. 1 in its written statement has pleaded inter alia that the appointment of the workman was on daily wages basis depending upon the exigency of the work and for specific period and discontinuation of such engagement did not amount to retrenchment in terms of section 2(oo) of the Act and various settlements were entered into between the State Bank of India and Federation of SBI unions and by virtue of such settlement and for any other reason, the workman did not become a protected worker and did not become entitle for permanent absorption in the Bank. The further case of the party No. 1 is that the workman had been enlisted in the waiting list for absorption, but the said list lapsed on 31-3-1997, as per the terms of the Settlement dated 13-7-1996 and as such, the persons, whose turn could not come by 31-3-1997 could not be considered for permanent absorption and in 1999, the workman had raised the dispute on the same facts and circumstances, which are the subject matter of the present dispute and the Government of India by its notification dated 20/24-1-2000, was pleased to not refer the dispute and the workman again approached the same forum for the same relief and once the matter has been finally decided by the Hon'ble Supreme Court, in 1998 (SLP No. 11886—11888 of 1998), nothing survives and the dispute is to be answered in its favour and seventeen temporary workmen raised the dispute before the ALC, Raipur, out of whom, four being satisfied with the Bank's reply, withdrew their claims and five other workmen did not proceed against the Bank for one reason or the other and out of the remaining eight workmen, the case of one workman, Shri Kamal Soni was rejected by the Government and dispute of the rest seven workmen have been referred for adjudication for the reasons known to the concerned authorities and as the initial engagement of the workman was purely on temporary basis and the purpose for which, the workman was engaged was completed, the termination of his services was inevitable and the more fact of completion of 240 days of work did not given the workman the status of permanent employee within the meaning of section-25-B- of the Act and the workman was not given artificial breaks in service, and it did not adopt any unfair labour practice and the services of the workman were not terminated on 5-2-1998 and the workman was appointed temporarily for specific period and purpose and his services were terminated as per the appointment order and now no work is available for him and in view of the appointment order, there was no need to comply with the provisions of section 25-F of the Act and as such, its action cannot be said to be illegal and no fresh candidates were appointed by it as Messenger and there was no violation of the provisions of section 25-H of the Act and as such, the workman is not entitled for any relief.

4. In support of their respective claims, the parties have led oral evidence. The workman has examined himself as a witness in support of his claims. In his examination-in-chief, which is on affidavit, the workman has reiterated the facts mentioned in the statement of claim. However, in his cross-examination he has admitted that his appointment was

temporary and he was appointed sometime as a messenger and sometime as a canteen boy and sometime as a peon etc.

5. One S.B. Aggrawal was examined as a witness on behalf of the party No. 1. He has also reiterated the facts mentioned in the written statement in his evidence.

6. At the time of argument, it was submitted by the learned advocate for the workman that the workman worked with the party No. 1 w.e.f. 3-6-1985 continuously without any break and he had completed 12 years of service and more than 240 days of continuous work in every calendar year and as such, he had got the status of a permanent employee and his services was terminated w.e.f. 31-12-1997, (which should have been 5-2-1998 as per statement of claim) without assigning any reason and the mandatory provisions of section 25-F of the Act were not complied with and the termination amounts to retrenchment and due to non-compliance of the provisions of Section 25-F of the Act, such retrenchment is illegal and as such, the workman is entitled for reinstatement with continuity of service and full back wages and after termination of the workman, the Bank made appointment of fresh candidates in the post of messenger but did not give employment to the workman and thus violated the provisions Sections 25-G and 25-H of the Act and Rule 77 of the Industrial Disputes (Central) Rules. In support the contentions, the learned advocate for the workman placed reliance on the decisions reported in AIR 1960 SC 762 (Swadesh Mittran Ltd. Vs. their Workmen), 2010 (3) Mh. L.J. 537 (SC) (Ramesh Kumar Vs. State of Haryana), 2006(1) SC 549 (Workman of Bhurkhunda Colliery Vs. Management of Bhurkhunda Colliery), 2008 (3) Mh. LJ 660 (Shaymrao Vs. State) and many Others.

It was also submitted that the Bank has taken the shelter of Bi-partite Settlement, which was entered into by the Bank and Staff Federation and the workman is not a member of the said union and the said settlement is not favourable to the workman and as such, the workman is not bound by such settlements and the workman is entitled for reinstatement in service with continuity and full back wages.

7. On the other hand, it was submitted by the learned advocate for the party no. 1 that the workman was appointed temporarily and he was duly considered by the party no. 1 for permanent absorption in the bank, as per the settlements and as such, he was interviewed and was put in the waiting list and as the waiting list lapsed on 31-3-1997, he has no right for permanent absorption or re-appointment and in OJC No. 9039 of 1997 (G Madhavrao Vs. SBI) the Hon'ble Division Bench of Orissa High Court, while deciding the claim of some candidates whose names were in the waiting list of the Bank, for appointment, basing on the said list have held that the applicants are not entitled to get any relief when the selection list came to an end on 31-3-1997 and against the said order, special leave application (Civil) No. CC 3081 of 1999, was filed before the Hon'ble Apex Court but the special leave petitions were dismissed by the

Hon'ble Apex Court on merit and therefore, the workman is not entitled for any relief. It was also submitted that as the engagement of the workman was purely on casual and temporary basis intermittently, due to administrative exigencies and need of work as messenger and was not as per procedure for permanent staff, his termination cannot be termed as retrenchment and in view of the decisions of the Hon'ble Apex Courts, even if it is found that the workman had completed more than 240 days of work, he is not entitled for regularization or reinstatement in service and as such, he is not entitled for any relief. In support of the contentions, reliance has been placed on the decisions reported in AIR 1997 SC 3657 (Himanshu Kumar Vidhyathi Vs. State of Bihar), AIR 1997 SC 3091 (Syndicate Bank Vs. Shankar Paul), 2007 SCC (L&S) 163 (State of U.P. Vs. Deshranj), 2006 SCC (L&S) 753 (Secretary State of Karnataka Vs. Umadevi) and many others.

Keeping in view the principles enunciated by the Hon'ble Courts in the decisions, on which reliance has been placed by the parties, now, the present case at hand is to be decided.

8. So far the first contention that the workman was working from 1985 with the Bank continuously for more than 12 years is concerned, I find no force in the same as because, there was no such pleading in the statement of claim and as no evidence was adduced in support of the same. The workman has specifically pleaded that he worked from August 1995 to December 1997 and his services were terminated on 1-1-1998. In his evidence also, he has reiterated the same. Hence, the contention raised by the learned advocate for the workman cannot be accepted.

So far the contention regarding the non-application of the settlements entered into by the Bank and the Federation to the present workman is concerned, it is pleaded by the workman that in view of the term of the Bi-partite Settlement entered into by the Bank and the Federation, he became a protected worker and the Bank conducted interview for all the protected workers and selected him in the interview and his name was enlisted in the waiting list and the intention of the parties to the agreement was to absorb the waitlisted candidates permanently. When the workman himself has admitted about the settlements and by virtue of such settlements, his name to be enlisted in the waiting list, there is no force in the contention that the settlements are not binding on the workman.

9. Admittedly, the appointment of the workman was temporary. The workman has pleaded such facts in his statement of claim. In view of the lapse of the waiting list prepared by the Bank on 31-3-1997 the workman is not entitled to claim appointment or reinstatement in service on the basis of such list, as the said question has already been set at rest by the decision of the Hon'ble Orissa High Court and the Hon'ble Apex Court as mentioned above

10. However, the claim of the workman in this case is not based on the waiting list prepared by the Bank. According to the claim of the workman, he was appointed temporarily in August 1995 and continue till 4-2-1998 and as he had completed more than 240 days of continuous work in a calendar year, the termination of his services without following the mandatory provision of the Section 25-F of the Act is illegal and for that he is entitled for reinstatement in service.

The party No. 1 has denied the claim of the workman.

11. Perused the record included the statement of claim, written statement, oral and documentary evidence adduced by the parties and written notes of arguments. It is the admitted case of the workman that he was appointed temporarily. The documents filed by the workman show that he was engaged as a temporary messenger and not on permanent basis. There is nothing on record to show that the workman was appointed by following due procedure of appointment applicable to the Bank. So it is clear from the evidence that the workman was working on casual basis as a temporary messenger.

On perusal of the documents filed by the workman it is found that the appointment of the workman was purely on temporary basis for a specific period and his re-appointment on fresh basis from time to time on the basis of specific order. It is also found from the documents that in the orders for temporary appointment, specific condition has been mentioned that the appointment to be purely temporary in nature due to exigency of work and need of the Bank and the workman would not be entitled to claim permanent employment and the workman accepting the condition had worked with party No. 1. It is also found from the documents that the temporary appointment was made by the Branch Manager of the Bank.

It is also well settled by the Hon'ble Apex Court in a number of decisions including in the decision of the constitutional Bench reported in AIR 2006 SC-1806 (Secretary State of Karnataka & Others Vs. Umadevi and Others) that unless the appointment is in terms of the relevant rules and after a proper competition among qualified persons, the same would not confer any right on the appointee and if it is a contractual appointment, the appointment comes to an end at the end of the contract and if the appointment is on casual basis, the same would come to an end, when it is discontinued and a temporary employee has no right to claim to be made permanent and on expiry of the term of his appointment, he do not entitled for reinstatement in service.

Applying the principles enunciated by the Hon'ble Apex Courts to the present case at hand, it is found that the provisions of section 25-F are not applicable to this case as from the documents filed by the workman show that his appointment was coming to an end at the end of the contract and as such, the workman has no right to claim reinstatement in service.

12. There is also no legal evidence on record to show that freshers were appointed as messengers by the party No. 1, after the termination of the services of the workman and the workman was not given employment and as such, it cannot be held that there was violation of the provisions of Sections 25-G and 25-H of Act and Rule 77 of the Rules. Hence, it is ordered :

ORDER

The action of the Dy. Manager, State Bank of India, Raipur (CG) in terminating the services of Shri Deo Kumar Dewangan, S/o. Shri Motilal Dewangan, Ex-messenger is legal and justified. The workman is not entitled for any relief.

J.P. CHAND, Presiding Officer

नई दिल्ली, 19 अगस्त, 2011

का.आ. 2537.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या 110/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-8-2011 को प्राप्त हुआ था।

[सं. एल-12012/315/2002-आई आर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 19th August, 2011

S.O. 2537.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 110/2003) of the Central Govt. Indus. Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the Industrial dispute between the management of State Bank of India and their workman, which was received by the Central Government on 19-8-2011.

[No. L-12012/315/2002-JR(B-1)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE SHRI J.P. CHAND, PRESIDING
OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/110/2003

Dated 09-08-2011

Party No. 1 : The Dy. General Manager,
State Bank of India, Zonal Office,
Shankar Nagpur, Raipur (CG)-492001

Versus

Party No. 2 : Shri Dukhit Ram Patel,
S/o Shri Baliram Patel,
Danteshwari Chowk,
Behind Sahid Bhagat Singh School,
Sarkari Kuwan Ke Peeche,
PO : Pandri, Raipur (Chattisgarh)

AWARD

(Dated : 09th August, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of the State Bank of India and their workman, Shri Dukhit Ram Patel, for adjudication, as per letter No. L-12012/315/2002-IR(B-I) dated 2-5-2003, with the following Schedule :

SCHEDULE

"Whether the action of the Dy. General Manager, State Bank of India, Raipur (CG) in terminating the services of Shri Dukhit Ram Patel S/o Baliram Patel is legal and justified? If not, what relief is the workman entitled for?"

2. On receipt of the reference, notices were sent to the parties for filing of their respective statement of claim and written statement, in response to which, the workman Shri Dukhit Ram Patel ("the workman" in short) filed the statement of claim and the management of the State Bank of India, Raipur ("the party No. 1" in short) filed the written statement.

The case of the workman is that he was appointed temporarily in the post of messenger from 29th August, 1995 to December, 1997 intermittently and in view of such service and the provisions of the Bi-partite settlement between the Bank and All India State Bank of India Staff Federation dated 27-10-1988, he became a protected worker and entitled for permanent absorption in the Bank and the Bank conducted interview for all the protected workers during 1990 and the selected persons were wait listed for permanent absorption in future in the Bank's service and he was also interviewed and selected in the said interview and was included in the waiting list and as he was a protected worker and was about to be observed, he was offered temporary appointment but his services were abruptly terminated w.e.f. 1-1-1998, without assigning any reason and he had performed his duties for more than 240 days in a calendar year and got the status of a permanent employee, as per the provisions of Section 25-B of the Act and in order to deprive him the benefits of regular employment, he was continued with artificial breaks in service and though posts were available, the party No. 1 did not absorb him and the action of the party No. 1 in terminating his services amounts to retrenchment, but before the termination of his services, neither one month's notice nor one month's wages in lieu of notice, nor retrenchment compensation was given to him and as such, the action of terminating of his services is illegal, inoperative and invalid and as the mandatory provisions of Section 25-F of the Act were not complied with, he is entitled for reinstatement in service with back wages and the action of the party No. 1 in terminating his services is arbitrary, capricious and unfair labour practice and he made representation to the Bank repeatedly for redressal of his grievances but without any

result and the party No. 1 made appointments of fresh candidate in the post of messenger but he was not given employment; which was violation of the mandatory provisions of Section 25-H of the Act. The workman has prayed for declaring the action of the party No. 1 to be illegal and unlawful and to reinstate him in service with continuity and back wages.

3. The party No. 1 in its written statement has pleaded inter alia that the appointment of the workman was on daily wages basis depending upon the exigency of the work and for specific period and discontinuation of such engagement did not amount to retrenchment in terms of Section 2(oo) of the Act and various settlements were entered into between the State Bank of India and Federation of SBI unions and by virtue of such settlement and for any other reason, the workman did not become a protected worker and did not become entitle for permanent absorption in the Bank. The further case of the party No. 1 is that the workman had been enlisted in the waiting list for absorption, but the said list lapsed on 31-3-1997, as per the terms of the settlement dated 13-7-1996 and as such, the persons, whose turn could not come by 31-3-1997 could not be considered for permanent absorption and in 1999, the workman had raised the dispute on the same facts and circumstances, which are the subject matter of the present dispute and the Government of India by its notification dated 20/24-1-2000, was pleased to not refer the dispute and the workman again approached the same forum for the same relief and once the matter has been finally decided by the Hon'ble Supreme Court, in 1998 (SLP No. 11886-11888 of 1998), nothing survives and the dispute is to be answered in its favour and seventeen temporary workmen raised the dispute before the ALC, Raipur, out of whom, four being satisfied with the Bank's reply, withdrew their claims and five others workman did not proceed against the Bank for one reason or the other and out of the remaining eight workmen, the case of one workman, Shri Kamal Soni was rejected by the Government and dispute of the rest seven workmen have been referred for adjudication for the reasons known to the concerned authorities and as the initial engagement of the workman was purely on temporary basis and the purpose for which, the workman was engaged was completed, the termination of his services was inevitable and the more fact of completion of 240 days of work did not given the workman the status of permanent employee within the meaning of Section 25B of the Act and the workman was not given artificial breaks in service, and it did not adopt any unfair labour practice and the services of the workman were not terminated on 1-1-1998 (wrongly mentioned as 5-2-1998 in the written statement) and the workman was appointed temporarily for specific period and purpose and his services were terminated as per the appointment order and now, no work is available for him and in view of the appointment order, there was no need to comply with the provisions of Section 25-F of the Act and as such, its action cannot be said to be illegal and no fresh candidates were appointed by it as messenger and there was no violation of

the provisions of Section 25-H of the Act and as such, the workman is not entitled for any relief.

4. In support of their respective claims, the parties have led oral evidence. The workman has examined himself as a witness in support of his claims. In his examination-in-chief, which is on affidavit, the workman has reiterated the facts mentioned in the statement of claim. However, in his cross-examination he has admitted that his appointment was temporary and he was appointed some time as a messenger and some time as a canteen boy and some time as a peon etc.

5. One S.B. Agrawal was examined as a witness on behalf of the party No. 1. He has also reiterated the facts mentioned in the written statement in his evidence.

6. At the time of argument, it was submitted by the learned advocate for the workman that the workman worked with the party No. 1 w.e.f. 3-6-1985 continuously without any break and he had completed 12 years of service and more than 240 days of continuous work in every calendar year and as such, he had got the status of a permanent employee and his services was terminated w.e.f. 31-12-1997, without assigning any reason and the mandatory provisions of Section 25-F of the Act were not complied with and the termination amounts to retrenchment and due to non-compliance of the provisions of Section 25-F of the Act, such retrenchment is illegal and as such, the workman is entitled for reinstatement with continuity of service and full back wages and after termination of the workman, the Bank made appointment of fresh candidates in the post of messenger but did not give employment to the workman and thus violated the provisions of Sections 25-G and 25-H of the Act and Rule 77 of the Industrial Disputes (Central) Rules. In support the contentions, the learned advocate for the workman placed reliance on the decisions reported in AIR 1960 SC-762 (Swadesh Mittran Ltd. Vs. their Workmen), 2010 (3) Mh. L.J. 537 (SC) (Ramesh Kumar Vs. State of Haryana), 2006(1) SC 545 (Workman of Bhurkhunda Colliery Vs. Management of Bhurkhunda Colliery), 2008 (3) Mh. LJ 660 (Shyamrao Vs. State) and many others.

It was also submitted that the Bank has taken the shelter of bi-partite settlement, which was entered into by the Bank and Staff Federation and the workman is not a member of the said union and the said settlement is not favourable to the workman and as such, the workman is not bound by such settlements and the workman is entitled for reinstatement in service with continuity and full back wages.

7. On the other hand, it was submitted by the learned advocate for the party No. 1 that the workman was appointed temporarily and he was duly considered by the party No. 1 for permanent absorption in the bank, as per the settlements and as such, he was interviewed and was put in the waiting list and as the waiting list lapsed on 31-3-1997, he has no right for permanent absorption or re-appointment and in OJC No. 9039 of 1997 (G Madhavrao Vs. SBI) the Hon'ble Division Bench of Orissa High Court, while deciding the

claim of some candidates whose names were in the waiting list of the Bank, for appointment, basing on the said list have held that the applicants are not entitled to get any relief when the selection list came to an end on 31-3-1997 and against the said order, special leave application (Civil) No. CC 3081 of 1999, was filed before the Hon'ble Apex Court but the special leave petitions were dismissed by the Hon'ble Apex Court on merit and therefore, the workman is not entitled for any relief. It was also submitted that as the engagement of the workman was purely on casual and temporary basis intermittently, due to administrative exigencies and need of work as messenger and was not as per procedure for permanent staff, his termination cannot be termed as retrenchment and in view of the decisions of the Hon'ble Apex Courts, even if it is found that the workman had completed more than 240 days of work, he is not entitled for regularization or reinstatement in service and as such, he is not entitled for any relief. In support of the contentions, reliance has been placed on the decisions reported in AIR 1997 SC 3657 (Himanshu Kumar Vidhyarthi Vs. State of Bihar), AIR 1997 SC 3091 (Syndicate Bank Vs. Shankar Paul), 2007 SCC (L&S) 163 (State of U.P. Vs. Deshraj), 2006 SCC (L&S) 753 (Secretary State of Karnataka Vs. Umadevi) and many others.

Keeping in view the principles enunciated by the Hon'ble Courts in the decisions, on which reliance has been placed by the parties, now, the present case at hand is to be decided.

8. So far the first contention that the workman was working from 1985 with the Bank continuously for more than 12 years is concerned, I find no force in the same as because, there was no such pleading in the statement of claim and as no evidence was adduced in support of the same. The workman has specifically pleaded that he worked from August 1995 to December 1997 and his services were terminated on 1-1-1998. In his evidence also, he has reiterated the same. Hence, the contention raised by the learned advocate for the workman cannot be accepted.

So far the contention regarding the non-application of the settlements entered into by the Bank and the Federation to the present workman is concerned, it is pleaded by the workman that in view of the term of the bi-partite settlement entered into by the Bank and the Federation, he became a protected worker and the Bank conducted interview for all the protected worker and selected him in the interview and his name was enlisted in the waiting list and the intention of the parties to the agreement was to absorb the waitlisted candidates permanently. When the workman himself has admitted about the settlements and by virtue of such settlements, his name to be enlisted in the waiting list, there is no force in the contention that the settlements are not binding on the workman.

9. Admittedly the appointment of the workman was temporary for intermittent durations. The workman has

pleaded such facts in his statement of claim. In view of the lapse of the waiting list prepared by the Bank on 31-3-1997 the workman is not entitled to claim appointment or reinstatement in service on the basis of such list, as the said question has already been set at rest by the decision of the Hon'ble Orissa High Court and the Hon'ble Apex Court as mentioned above.

10. However, the claim of the workman in this case is not based on the waiting list prepared by the Bank. According to the claim of the workman, he was appointed temporarily in August 1995 and continued till December, 1997 and as he had completed more than 240 days of continuous work in a calendar year, the termination of his services without following the mandatory provision of the Section 25-F of the Act is illegal and for that he is entitled for reinstatement in service.

The party No. 1 has denied the claim of the workman.

11. Perused the record included the statement of claim, written statement, oral and documentary evidence adduced by the parties and written notes of arguments. It is the admitted case of the workman that he was appointed temporarily. The documents filed by the workman show that he was engaged as a temporary messenger and not on permanent basis. There is nothing on record to show that the workman was appointed by following due procedure of appointment applicable to the Bank. So it is clear from the evidence that the workman was working on casual basis as a temporary messenger.

On perusal of the documents filed by the workman it is found that the appointment of the workman was purely on temporary basis for a specific period and his re-appointment on fresh basis from time to time on the basis of specific order. It is also found from the documents that in the orders for temporary appointment, specific condition has been mentioned that the appointment to be purely temporary in nature due to exigency of work and need of the Bank and the workman would not be entitled to claim permanent employment and the workman accepting the condition had worked with party No. 1. It is also found from the documents that the temporary appointment was made by the Branch Manager of the Bank.

It is also well settled by the Hon'ble Apex Court in a number of decisions including the decision of the Constitutional Bench reported in AIR 2006 SC-1806 (Secretary State of Karnataka & Others Vs. Umadevi and Others) that unless the appointment is in terms of the relevant rules and after a proper competition among qualified persons, the same would not confer any right on the appointee and if it is a contractual appointment, the appointment comes to an end at the end of the contract and if the appointment is on casual basis, the same would come to an end, when it is discontinued and a temporary employee has no right to claim to be made permanent and on expiry of the term of his appointment, he is not entitled for reinstatement in service.

Applying the principles enunciated by the Hon'ble Apex Courts to the present case at hand, it is found that the provisions of Section 25-F are not applicable to this case as from the documents filed by the workman show that his appointment was coming to an end at the end of the contract and as such, the workman has no right to claim reinstatement in service.

Moreover, it is well settled by the Hon'ble Apex Court in number of decisions that the initial burden of proof is on the workman to show that he completed 240 days of service in the preceding 12 months of the date of alleged termination and the onus of proof doesn't shift to employer nor is the burden of proof on the workman discharged, merely because employer fails to prove a defence and filing of affidavit of the workman to the effect that he had worked for 240 days continuously or that the workman had made repeated representation or raised demands for reinstatement. is not sufficient evidence that can discharge the said burden and other substantive evidence needs to be adduced to prove 240 days continuous service.

In this case, the workman has claimed that his services were terminated on 1-1-1998. So now, it is to be seen as to whether the workman has been able to discharge the initial burden to show that he worked for 240 days in the preceding 12 months of 1-1-1998. In support of his claim, the workman besides filing his affidavit has filed documents in regard to his appointment and the said documents have been marked as exhibits W-4 to W-15. The said documents show that the workman worked for 31 days, 28 days, 31 days, 30 days, 29 days and 31 days in January, February, March, April, June and July of 1997 respectively. No document has been filed by the workman to show that he worked in May 1997 and after 31-7-1997 till 31-12-1997. The total working days in the preceding 12 months of 1-1-1998 comes to 180 days. There is no other evidence on record to show that the workman completed 240 days of work in the preceding 12 months of 1-1-1998. As the workman has failed to discharge the initial burden that he worked for 240 days in the preceding 12 months of 1-1-1998, the provisions of Section 25-F are not applicable to this case.

12. There is also no legal evidence on record to show that freshers were appointed as messengers by the party No. 1, after the termination of the services of the workman and the workman was not given employment and as such, it cannot be held that there was violation of the provisions of Sections 25-G and 25-H of Act and Rule 77 of the Rules. Hence, it is ordered :

ORDER

The action of the Dy. General Manager, State Bank of India, Raipur (CG) in terminating the services of Shri Dukhit Ram Patel S/o Shri Baliram Patel, Ex-Messenger is legal and justified. The workman is not entitled for any relief.

J.P. CHAND, Presiding Officer

नई दिल्ली, 23 अगस्त, 2011

का. आ. 2538.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डब्ल्यू.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 33/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-8-2011 को प्राप्त हुआ था।

[सं. एल-22012/309/92-आई आर (सी-II)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 23rd August, 2011

S.O. 2538.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 33/93) of the Central Government Industrial Tribunal- cum-Labour Court, Jabalpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of WCL, and their workman, which was received by the Central Government on 23-8-2011.

[No. L-22012/309/92-IR (C-II)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/33/93

PRESENT:

Shri Mohd. Shakir Hasan, Presiding Officer

The Chief General Secretary,

M.P. Koyala Khadan Mazdoor Panchayat,

P.O. Junnardeo,

Distt. Chhindwara (M.P.)

... Workman

Versus

The General Manager,

Kanhan Area of WCL,

P.O. Dungaria,

Distt. Chhindwara (M.P.)

... Management

AWARD

Passed on this 4th day of August, 2011

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/309/92-IR (C-II) dated 29-1-93 has referred the following dispute for adjudication by this tribunal:

“Whether the action of the management of Western Coalfields Ltd. in relation to their Nandan Colliery No. 1 in terminating the services of Shri Mehtab S/o Shhubi, General Mazdoor w.e.f. 5-9-90 is justified? If not, to what relief the workman is entitled?”

2. The case of the Union/workman, in short, is that the workman was appointed on 3-11-1973 as wagon loader at Hirdagarh siding. He was transferred to Nandan Colliery on 12-12-1981 where he was working at Tub Loader. His wife became mentally sick. Later he also became sick and informed the management and was absent from duty. It is stated that a charge sheet was issued and enquiry was conducted against him. Since he was illiterate, he signed on all the enquiry papers. Subsequently, he reported on duty and was allowed to resume duty on 12-3-90 but in the meantime he was dismissed w.e.f. 5-9-90. It is stated that he had not been given opportunity to defend himself nor was allowed to take the assistance of co-worker. It is submitted that the workman be reinstated with full back wages.

3. The management appeared and filed Written Statement to contest the reference. The case of the management, inter alia, is that admittedly the workman came on transfer from Hirdagarh siding on 12-12-1981 but he was irregular in his duties. He was absent w.e.f. 25-10-89 continuously without any information unauthorizedly. He was charge sheeted on 16-2-90. On receipt of the charge sheet, he returned on duty and joined on 12-3-90 pending departmental enquiry. The workman appeared in the enquiry on 16-4-90 and intimated that he did not want the assistance of a co-worker. He admitted the charges. However the Enquiry Officer again gave him time to re-think but again he accepted the charges and signed over his statement. Thereafter the Enquiry Officer submitted his enquiry report holding him guilty of the charges. The competent authority considering the entire facts passed the order dated 5-9-90 of termination from service. It is stated that full opportunity was given to the workman to defend himself. It is stated that if for any reason whatsoever the enquiry is held not proper, the management be given opportunity to prove misconduct in Court.

4. On the basis of the pleadings of the parties, the following issues are framed:—

- I. Whether the enquiry is just, proper and legal?
- II. Whether the management is entitled to lead evidence before this Tribunal?
- III. Whether the charges of misconduct are proved on the facts of the case?
- IV. Whether the punishment awarded is proper and legal?
- V. Relief and costs?

5. Issue No. I:

All the issues including this issue are taken up together as the Union/workman became subsequently absent in the proceeding. Thereafter the then Tribunal proceeded the reference ex-parte against the Union workman on 1-4-2007.

6. Admittedly the workman participated in the departmental proceeding. The management has examined the Enquiry Officer, Shri P.S. Deshpandey. He has proved the enquiry proceeding papers which is marked as Exhibit M/8. He has supported the case of the management. He has stated that on 16-4-90, the workman was present in the proceeding. The charges were explained to him but he admitted the charges. However he had directed the management representative to lead evidence. The management representative adduced his evidence and had submitted that the workman was absent without intimation and permission from 25-10-89 to 16-2-90 and his attendance from 1988 was also very poor. Thereafter the workman also gave his evidence that during the period, he was sick and could not inform the management. The workman had not produced any documentary evidence regarding his sickness or regarding his treatment during those period. This clearly shows that full opportunity was given to the workman to defend himself and there was no violation of the principle of natural justice. Photocopy of the proceeding, which is marked as Exhibit M/8, shows that the workman participated in the departmental proceeding and admitted the charges of unauthorized absence. He had also declined to engage co-worker. The Management Representative had proved the misconduct in his evidence. It also shows that the workman had declined to cross-examine the management witness. Thus it is clear that the principle of natural justice was followed and the workman got the opportunity to defend him. I do not find any irregularity in the departmental enquiry. Accordingly, it is held that the departmental enquiry conducted by the management against the workman is legal and proper. This issue is accordingly decided.

7. Issue Nos. II & III :

On the basis of the discussion made above, it is clear that there was evidence in the departmental proceeding to prove the misconduct against the workman. Moreover the workman had himself admitted the charges in the proceeding. There is no other evidence in rebuttal of the evidence of the management. The workman had failed to justify his absence without seeking permission from the management. The management has also examined two witnesses namely Shri Parimal Mavawala and Shri Vinod Kumar Namdeo in Court to prove the misconduct. They have supported the case of the management that the workman was absent unauthorisedly. Thus it is clear that the misconduct of the workman appears to have been proved by the management and there is no need to prove misconduct in Court. Both the issues are decided in favour of the management.

8. Issue Nos. IV & V :

Considering the discussion and evidence on record, it appears that the attendance of the workman was very poor prior to his continuous absence unauthorisedly. I do not find any reason to interfere in the order of the

punishment passed by the management which appears to be just and proper. Accordingly, the reference is answered.

9. In the result, the award is passed without any order to costs.

10. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

MODH. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 23 अगस्त, 2011

का. आ. 2539.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एस.ई.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 115/92) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-8-2011 को प्राप्त हुआ था।

[सं. एल-22012/485/91-आई आर (सी-II)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 23rd August, 2011

S.O. 2539.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 115/92) of the Central Government Industrial Tribunal- cum-Labour Court, Jabalpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SECL, and their workman, which was received by the Central Government on 23-8-2011.

[No. L-22012/485/91-IR (C-II)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/115/92

PRESENT :

Shri Mohd. Shakir Hasan, Presiding Officer

The Secretary,
SKMS (AITUC),
Qtr. No. B/72, Urja Nagar,
P.O. Jevra Project,
Bilaspur

... Workman

Versus

The Sub Area Manager,
SECL, Laxman Project,
P.O. Kusmunda Project,
Distt. Bilaspur (M.P.)

... Management

AWARD

Passed on this 5th day of August, 2011

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/485/91-IR (C-II) dated 18-6-92 has referred the following dispute for adjudication by this tribunal :

“Whether the action of the management of Laxman Project Open Cast Mine of SECL, Bilaspur is justified in not promoting S/Shri Anirudh Singh S/o G N. Singh & Jang Bahadur S/o Thakur Prasad, Dozer Operator Trainee in Gr. I Cat. ‘E’ w.e.f. January, 1990 ? If not, to what relief the workmen are entitled to ?”

2. The case of the Union/workmen, in short, is that before joining SECL, the workmen were working in Balco Boxite Mines Amarkantak from 1972 to 1988 as HEMM Operator. They were recruited as HEMM Operator trainee in SECL vide order dated 29-11-88. After completion of one year training period, they were promoted/regularized to Dozer Operator Grade II in Category C instead of Dozer Operator Grade I in Category B. It is stated that Shri Narendra Singh and others were regularized as HEMM Operator Grade I in Category B after completion of their one year training period. It is stated that there was discrimination without any reason. It is submitted that the management be directed to place them as HEMM Operator Grade I in Category B w.e.f. January, 1990.

3. The management appeared and contested the reference by filing Written Statement. The case of the management, inter alia, is that the workman Anirudh Singh was appointed as HEMM Operator (Trainee) on 14-2-89 and Jangbahadur was appointed as HEMM Operator (Trainee) on 27-1-89. As per terms of appointment they did not complete their training for one year in January, 1990. As such the question of promotion/regularization w.e.f. January, 1990 does not arise in terms of this reference. It is stated that after completion of the training period of one year they were rightly placed at the entry point as Dozer Operator Grade II in Category C in the Cadre Scheme. The next higher grade post is Group B which is a promotional post. It is stated that the period served in Balco Boxite Mine cannot be considered for regularization after training. Thus the action of the management is justified and the reference be, accordingly, answered.

4. On the basis of the pleadings of the parties, the following issues are settled for adjudication :—

I. Whether the action of the management in not promoting the workman in Grade II Category B w.e.f. January, 1990 is justified ?

II. To what relief, the workmen are entitled to ?”

5. Issue No. I

It is evident from the pleadings of both the parties, the following facts are admitted facts :—

1. The workmen Shri Anirudh Singh and Shri Jangbahadur were appointed as HEMM Operator trainee on 14-2-89 and 27-1-89 respectively.

2. The terms of appointment as in the appointment letters, which are marked as Exhibit W/1 and Exhibit W/1a are reproduced as under—

“Para 2 : The period of training shall be one year which may vary at the discretion of the management. During the period of training, your services are liable to be discontinued without assigning any reason.

Para 4 : On satisfactory completion of the training, your appointment in regular scale of pay under National Coal Wage Agreement will be considered. On appointment, you will be on probation for a period of 6 (six) months which is liable to be extended at the discretion of the company.”

3. The period of training of one year of the workmen Anirudh and Jangbahadur was completed on 14-2-89 and 27-1-89 respectively.

4. They had been promoted/regularized after completion of one year training as Dozer Operator Grade II Category ‘C’ vide order dated 24-8-90.

6. According to the management, the period of training was completed of Shri Jangbahadur on 27-1-90 and of Shri Anirudh Singh on 24-2-90. As such the promotion/regularization w.e.f. January, 1990 was not tenable. It is urged on behalf of the learned counsel for the management that in this view the reference which is to be answered appears to be not maintainable. It is clear from the admitted facts that as per appointment letters issued to the workmen their period of training was one year. They joined on 24-2-89 and 27-1-89 respectively and they had to be regularized after one year and therefore the question of regularization/promotion in any cadre before completion of training period did not arise. This shows that the workmen were not entitled to be promoted in the cadre w.e.f. January, 1990.

7. However, the parties have adduced evidence in the case. Now let us examine the evidence adduced by them. The Union has examined Shri Deoraj in the case. He has admitted that these workmen were appointed as trainees and their period of training was completed on 14-2-90 and 27-1-90. He has also stated that after completion of training they had been regularized in Category C on 14-2-90 and 27-1-90 vide letter dated 24-8-90. He has further stated that similarly Shri Gariba, Maganlal and 22 others were regularized in Category B after training of one year but he has admitted in his evidence they were senior to these workmen. This shows that after their appointment as trainee none was granted Category B after training. It is not disputed that Dozer Operator Grade II Category C is the entry point in the

Cadre Scheme. This shows that there was no illegality nor any junior was given any higher grade and category after training.

8. The Union has filed certain office orders which are marked as Exhibit-2 series. These are filed to show that others had been regularized after training to the post of Dozer Operator Grade I in Category B. These office orders clearly show that they were senior to these workmen and therefore it cannot be said that under similar circumstances the management had discriminated them.

9. The management has also examined one witness in the case. Shri P. V. Satyanarayana is Personnel Manager at Laxman Open Cast Project in Kusmunda Area. He has supported the case of the management. He has stated that both the workmen were appointed as fresh trainees. They had not completed one year training period in January, 1990 and they were not entitled to be regularized w.e.f. January, 1990. He has further stated that after completion of their training, they had been rightly regularized as per Cadre Scheme. The Union/workmen became absent in the reference case and therefore the management witness is not cross-examined. His evidence is un rebutted. It clearly shows that their appointment was fresh appointment as trainees and they had been rightly regularized on the entry post of the cadre. This clearly shows that the action of the management is justified. This issue is decided in favour of the management and against the workmen.

10. Issue No. II

Considering the discussion made above, it is clear that the workmen were rightly regularized after completion of their training. As such the workmen are not entitled to any relief. The reference is accordingly answered.

11. In the result, the award is passed without any order to costs.

12. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 23 अगस्त, 2011

का. आ. 2540.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डब्ल्यू.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 277/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-8-2011 को प्राप्त हुआ था।

[सं. एल-22012/26/99-आई आर (सीएम-II)]

डॉ. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 23rd August, 2011

S.O. 2540.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 277/99) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur now as shown in the Annexure in the Industrial Dispute between the management of WCL. and their workman, which was received by the Central Government on 23-8-2011.

[No. L-22012/26/1999-IR (CM-II)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/277/99

Shri Mohd. Shakir Hasan, Presiding Officer.

The Secretary,
R.K.K.M.S. (INTUC),
Bandan Branch,
P.O. Nandan,
Distt. Chhindwara (M.P.)

... Workman

Versus

The Sub Area Manager,
Nandan Sub Area of WCL,
P.O. Nandan,
Distt. Chhindwara (M.P.)

... Management

AWARD

Passed on this 11th day of August, 2011

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/26/99-IR (CM-II) dated 9-8-99 has referred the following dispute for adjudication by this tribunal :

“Whether the action of the Sub Area Manager, Nandan Sub Area of WCL P.O. Nandan Distt. Chhindwara (M.P.) in not promoting Shri Mohd. Safi as Clerk Gr. II and promoting Shri P. N. Yadav (his junior) is justified ? If not, to what relief the workman is entitled ?”

2. The Union/workman did not appear inspite of proper registered post notice. Lastly the then Tribunal proceeded the reference exparte against the Union/workman on 3-2-2006.

3. The management appeared and filed Written Statement. The case of the management in short is that the workman was initially appointed as piece rated Mazdoor. Subsequently he was promoted to the post of Clerk Grade III. It is stated that all the operating Unions of Nandan Mine

No. 2 had raised demand to regularize the clerks to the post of Clerk Grade II on completion of 240 days attendance of their actual working as Clerk Grade III. The management agreed and a settlement was arrived between the management on the one side and the Unions and the individual clerks on the second side. The workman Md. Safi had also signed the settlement. It was agreed that they would not raise any dispute with respect to regularization/monetary benefit for the back period. It is stated that the present dispute is not tenable in view of the settlement. It is stated that the workman Md. Shafi cannot equated with the case of Shri P. N. Yadav. On these grounds, it is submitted that the reference be answered in favour of the management.

4. On the basis of the pleadings. The following issues are framed :—

I. Whether the action of the management is justified ?

II. To what relief the workman is entitled ?

5. Issue No. I

According to the workman, the workman was promoted on the basis of settlement as Clerk Grade II w.e.f. 1-4-1991 and therefore the case of Shri P. N. Yadav cannot be equated.

6. In order to prove the fact, the management has filed the copy of settlement which is marked as Exhibit M/2. The said settlement shows that it was agreed between the management and the Unions and the workman had also signed over the same. The settlement further shows that he was promoted as Clerk Grade II w.e.f. 1-4-1991 and notionally the seniority was also settled w.e.f. 1-4-1989. The clause 4 of the said settlement reads as follows :

"All the Unions and concerned clerks agreed that they will not raise any dispute at any level regarding this regularization/settlement or for any other monetary benefit for the back period in this connection."

Thus it is clear that the dispute raised appears to be not justified. The action of the management is also proper.

7. The management has also examined one witness. Shri K. C. John is working as Manager in Nandan-2, WCL, Kanhan Area. He has supported the case of the management. He has stated that settlement was arrived between the parties and the Union and the workman had signed over the settlement. There is no other evidence in rebuttal of the evidence of the management. There is no reason to disbelieve the said evidence. This shows that the dispute was already settled by settlement. This issue is decided in favour of the management.

8. Issue No. II

Considering the discussion made above, the workman is not entitled to any relief. The reference is accordingly answered.

9. In the result, the award is passed without any order to costs.

10. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

MODH. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 23 अगस्त, 2011

का. आ. 2541.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एस.ई.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ग्राम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 87/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-8-2011 को प्राप्त हुआ था।

[सं. एल-22012/154/2002-आई आर (सी एम-II)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 23rd August, 2011

S.O. 2541.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 87/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of South Eastern Coalfields Limited, and their workman, which was received by the Central Government on 23-8-2011.

[No. L-22012/154/2002-IR (CM-ID)]
D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/87/2003

Presiding Officer : Shri Mohd. Shakir Hasan

Shri Ram Vilas Shobhnath,
General Secretary,
Chhattisgarh Khadan Kharkhan Mazdoor Union,
Vill. & P.O. Bankimogra,
Distt. Korba, Chhattisgarh

... Workman

Versus

The Sub Area Manager,
South Eastern Coalfields Limited,
Baldi Project, P.O. Baldi Project,
Distt. Korba,
Chhattisgarh

... Management

AWARD

Passed on this 3rd day of August, 2011

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/154/2002-IR (CM-II) dated 8-5-2003 has referred the following dispute for adjudication by this tribunal :

"Whether the action of the management of SECL, Balgi Project, Distt. Korba (Chhattisgarh) in terminating the services of Shri Manoj Kumar, General Mazdoor-I w.e.f. 27-5-2000 is justified ? If not, to what relief is the concerned workman entitled ?"

2. The case of the workman in short is that the workman Shri Manoj Kumar was appointed in Balgi Project on 26-8-92 and was working since then. He became sick on 23-6-1999 and was under treatment at Nehru Shatabdi Hospital, Gevra Area of SECL. He was sick till 26-7-1999. He was declared fit on 27-7-1999 and he submitted medical fitness Certificate to Mines Manager, Balgi Project on 27-7-1999 for joining on duty but he was not permitted to resume duty. It is stated that he was served with chargesheet dated 28/30-7-99 for his unauthorized absence from 21-6-99. Subsequently the workman was permitted to resume duty vide letter No. 593 dated 9-8-99 after awarding him "Censure" with a direction that in case of absence in future he would be dealt severely. It is stated that under clause 27.1 of the Certified Standing Orders, he was awarded minor punishment for his absence from duty. The further case of the workman is that the management again furnished him by the order of removal from service on 27-5-2000 for the same charges which was prima facie illegal. The workman preferred an appeal on 21-7-2000 against the dismissal order but the same was not considered. On these grounds, it is submitted that the order of dismissal dated 27-5-2000 be set aside and the workman be reinstated with back wages.

3. The management appeared and filed Written Statement to contest the reference case. The case of the management, inter alia, is that admittedly the Medical Officer, NCH Gevra declared the workman fit for duty on 27-7-99 but he never submitted his fitness certificate to the management nor the management had refused him to join on duty. He was admittedly chargesheeted on 28/30-7-99 for his long absenteeism. It is stated that the management had allowed the workman to join duty on sympathetic ground, so it did not mean that charges leveled against him vide chargesheet No. 1830 dated 28/30-7-99 were exonerated. It is denied that the clause 28.10 of the Certified Standing Orders was violated. It is stated that the workman did not reply after receipt of the chargesheet. Thereafter the workman was dismissed from service after conducting proper enquiry. The workman was given full opportunity to defend himself with the help of co-worker but he decided to defend himself personally. The workman has admittedly filed an appeal but the same

was time barred. On these grounds, it is submitted that the action of the management is legal and justified.

4. On the pleadings of the parties, the following issues are settled :—

- I. Whether the departmental enquiry conducted by the management against the workman is proper and legal ?
- II. In case Issue No. 1 is decided against the management and in favour of the workman then as to whether the management would be entitled to prove misconduct of the workman ?
- III. To what relief, if any is the workman entitled ?

5. The workman has adduced documentary evidence in the case. Thereafter the oral evidence was not adduced by him and subsequently became absent. As such the then Tribunal proceeded the reference exparte on 24-12-08 against the workman.

6. Issue No. I

All the issues are taken up together as the reference is now exparte against the workman. According to the workman, he was chargesheeted on 28/30-7-1999. Thereafter he was awarded minor punishment as censure but the management again passed the order of punishment on 27-5-2000 whereby he was removed from service. It is alleged that he was punished twice for the same charges and therefore the subsequent departmental proceeding is fit to be vitiated whereas the management has contended that the censure issued to the workman was only for appearing on duty properly and it had no concern with the chargesheet. It is stated that departmental enquiry conducted against the workman was legal and the same was according to rules wherein the workman participated and he was rightly dismissed by the order of removal dated 17-5-2000.

7. The following facts appear to have been admitted by the parties :

- I. The workman Shri Manoj Kumar was appointed in Balgi Project on 26-8-92 and was working since then.
- II. The Medical Officer, NCH, Gevra declared him fit for duty on 27-7-99 after his sickness
- III. The workman was chargesheeted on 28/30-7-99 for his absenteeism since 21-6-99
- IV. He was issued "Censure" for his above absence with permission to join duty.
- V. His departmental enquiry for the said charges continued against the workman
- VI. After conclusion of the enquiry, he was removed from service vide order dated 17-5-2000.

8. Now the important point is as to whether the continuation of departmental enquiry after imposing "Censure" on the workman is justified and proper. The workman has only adduced documentary evidence. All documents filed by the workman are admitted by the management which are marked as Exhibit W/1 to W/3. Exhibit W/1 is the charge sheet dated 28/30-7-99. This is filed to show that he was chargesheeted for his absenteeism since 21-6-99 and also for his previous conduct. Exhibit W/2 is the letter of Censure dated 9-8-99 for his absence from duty of the above stated period. Since he had admitted the charges, he was issued with letter of Censure with permission to resume duty. The said letter of Censure dated 9-8-99 is reproduced below :—

चेतावनी पत्र

खदान हाजरी खातों के अनुसार आप दिनांक 23-6-99 से बिना पूर्व छुट्टी मंजूरी/सूचना के आज दिनांक तक अवैध नागा किये हैं, चूँकि आपने उपरोक्त अवैध नागा के संबंध में लिखित रूप से गलती स्वीकार कर भविष्य में पुनः अपने कार्य से अवैध नागा न करने के आश्वासन दिये हैं।

अतः ऐसी स्थिति में आपके साथ सहानुभूति का व्यवहार अपनाया जा रहा है, साथ ही आपको चेतावनी दी जाती है कि भविष्य में अपनी इयटी भली-भाँति करें, अन्यथा कंपनी नियमानुसार आपके खिलाफ कड़ी से कड़ी अनुशासनिक कार्यवाही की जा सकती है, जिसके लिये आप स्वयं जिम्मेदार होंगे। इस पत्र द्वारा आपको अपने कार्य पर जाने की अनुमति दी जाती है।

9. Now the question is as to whether censure was a minor punishment or it was only a permission to the workman to resume duty. It is obvious that censure is a minor punishment. The construction of the letter of censure clearly shows that on his admission of charges of absenteeism he was awarded "Censure" by the Mines Manager, Balgi Project. He was undisputedly the competent person to award punishment. Thus Exhibit W/2, "Censure" is said to be punishment of the charges of absenteeism which was served on him. Exhibit W/3 is the order of removal from service passed on 27-5-2000 by the Sub Area Manager against the workman. It is filed to show that this order of removal is against the charges for which the punishment of censure was already awarded to him on 9-8-99. This itself shows that he was punished twice which is against the principle of natural justice. It is clear that the departmental enquiry initiated against the workman on 26-10-99 is illegal and not proper for the same charges for which he was censured and earlier punished.

10. The management has also adduced oral and documentary evidence in the case. The management witness Shri S. P. Patnaik was Personnel Manager in SECL at Dhanpuri Open Case Mines. He was Deputy Personnel

Manager at the relevant time at Balgi Project. He was Enquiry Officer in the said departmental proceeding vide office order dated 26-10-99. This itself shows that after imposing the punishment of "Censure" to the workman for the same charge, the proceeding was again initiated. There is no person assigned as to why the departmental enquiry was initiated after punishment. This shows that the department enquiry conducted by the management is not proper and legal whereby the workman was removed from service.

11. The management has filed documents in the case. Exhibit M/1 is the chargesheet dated 28/30-7-99. The workman has also filed this document. The relevancy is already discussed earlier. Exhibit M/2 is the show cause to the workman after enquiry by the Disciplinary Authority. Exhibit M/3 is the order of removal from service passed on 27-5-2000 by the Disciplinary Authority. The workman has also filed this order to show that the Disciplinary Authority had imposed punishment twice which was illegal. Considering the above discussion, the departmental enquiry conducted by the management vide Office Order No. 3122 dated 26-10-99 is not proper and justified as the workman was already punished earlier for the same charges. This issue is decided against the management and in favour of the workman.

12. Issue No. II :

Considering the discussion made above, it is evident that the further departmental enquiry conducted vide order dated 26-10-99 of the charges for which the workman was punished on his admission is illegal and therefore the management is not entitled to adduce further evidence to prove misconduct as the workman appears to have himself admitted the charges for which he was already punished earlier by the order of "Censure". This issue is also decided in favour of the workman and against the management.

13. Issue No. III :

It is clear that the workman was punished twice by the order of removal from service vide order dated 27-5-2000 which appears to be not proper and justified. Accordingly, the order of removal from service passed on 27-5-2000 is hereby set aside. The management is directed to reinstate the workman from the date of removal, i.e. from 27-5-2000 with full back wages. This reference is, accordingly answered.

14. In the result, the award is passed without any order to costs.

15. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer.

नई दिल्ली, 23 अगस्त, 2011

क्र.आ. 2542.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एस.ई.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 107/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-8-2011 को प्राप्त हुआ था।

[सं. एल-22012/388/1995-आई आर (सीएम-II)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 23rd August, 2011

S.O. 2542.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 107/96) of the Central Govt. Indus. Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the industrial dispute between the management of SECL and their workmen, which was received by the Central Government on 23-8-2011.

[No. L-22012/388/1995-IR(CM-II)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/107/96

PRESENT:

Shri Mohd. Shakir Hasan, Presiding Officer

The General Secretary,
National Colliery Workers Federation,
Post South Jhagrakhand Colliery,
Distt. Surguja (MP)

... Workmen

Versus

Sub Area Manager,
Rajnagar Opencast Mines,
SECL, Post Dola,
Distt. Shahdol (MP)

... Management

AWARD

Passed on this 12th August, 2011

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/388/95-IR(CM-II) dated 27-3-96 has referred the following dispute for adjudication by this tribunal :

“Whether the demand of the General Secretary, National Colliery Workers Federation (NLO) Hasdeo Area that the Sub-Area Manager, Rajnagar Opencast

Mines of Hasdeo Area of SECL should take 6(six) workers' carriers should be taken on the roll of management is legal and justified ? To what relief these workers are entitled?”

2. The Union/workmen did not appear in the reference case inspite of sufficient service of notice. Lastly the then Tribunal proceeded ex parte against the union/workmen on 11-3-05.

3. The management appeared and filed Written Statement in the case. The case of the management in short is that the work of water supply was awarded to the contractor in Rajnagar Opencast of Hasdeo Area of SECL after inviting tender and fixing the rate of supply of water. The work was not permanent and perennial in nature. It was temporary and casual in nature. The work of supply of water was for few hours. The work was awarded to different contractors and short tender notice was given. The work orders were issued to different contractors. The claimants were never engaged by the management of SECL. They have no right to claim for regularization on company's roll. It is submitted that the award be passed in favour of the management.

4. The following issues are framed for adjudication:

I. Whether the demand of the General Secretary, National Colliery Workers Federation (NLO) for taking six workers carriers on the roll of management is legal and justified ?

II. To what relief, the workers are entitled ?

5. Issue No. I

The management has adduced oral and documentary evidence in the case. The management has filed photocopies of short tender notices which are marked as Exhibit M/1 to M/10. These are filed to show that tender was invited from the petty contractors for supply of water. There is no other evidence in rebuttal to this evidence as the reference is ex parte. Exhibit M/11 to M/23 are the photocopies of work orders in the name of different contractors. These are also filed to show that the work orders were given to them for supply of drinking water. It is also un rebutted. There is no other evidence to show that these persons were not contractors. In absence of any other evidence, there is no reason to disbelieve the evidence of the management. Exhibit M/24 to M/28 are the photocopies of the payment sheets to the workers. Thus the documentary evidences show that there was a contract and there was no relationship of employer and employees between the management and the claimants.

6. The management has examined one witness in the case. Shri J.K. Nath is Sub-Area Manager in Rajnagar OCM, SECL. He has supported the case of the management. He has stated that the supply of water was awarded to petty contractors and the work of pipeline for water supply was

completed long back and therefore there was no need to deploy the contractors for supply of drinking water. His evidence is un rebutted. There is no reason to disbelieve his evidence. Thus it is clear that the demand of the management for taking six workers on the roll of the management is not legal and justified. This issue is decided in favour of the management.

7. Issue No. II

On the basis of the discussion made above, it appears that the workmen are not entitled to any relief. The reference is accordingly answered.

8. In the result, the award is passed without any order to costs.

9. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 23 अगस्त, 2011

का.आ. 2543.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डब्ल्यू. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 89/05) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-8-2011 को प्राप्त हुआ था।

[सं. एल-22012/451/2004-आई आर (सीएम-II)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 23rd August, 2011

S.O. 2543.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 89/05) of the Central Govt. Indus. Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the industrial dispute between the management of Western Coalfield Limited, and their workman, which was received by the Central Government on 23-8-2011.

[No. L-22012/451/2004-IR(CM-II)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT JABALPUR

No. CGIT/LC/R/89/05

PRESENT:

Shri Mohd. Shakir Hasan, Presiding Officer

The General Secretary, Sanyukta Koyla Mazdoor Sangh (AITUC), CRP Camp, Iklehra, Chhindwara
... Workman

Versus

The General Manager,
Western Coalfield Limited,
Pench Area, PO Parasia,
Chhindwara

... Management

AWARD

Passed on this 10th August, 2011

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/451/2004-IR(CM-II) dated 1-9-2005 has referred the following dispute for adjudication by this tribunal :

“Whether the action of the management of Thisgora U/G Mine of WCL, Pench Area in terminating the services of Shri Arun Kumar S/o Shri Banwarilal, Tub Loader, Token No. 578 w.e.f. 23-11-2001 is legal and justified? If not, to what relief the workman is entitled?”

2. The Union appears to have appeared and filed an application on 25-8-2006 for time for filing the statement of claim in the proceeding in compliance of registered notice. Thereafter the Union/the workman did not appear in the reference case inspite of knowledge of the pendency of the reference without any reasonable cause. Lastly the reference proceeded ex parte against the Union/Workman on 16-4-09.

3. The management appeared and filed Written Statement. The case of the management, in short, is that the workman was employed as Tub Loader at Thisgora Underground Mine. He was habitual absentee unauthorisedly without any intimation and sanction of leave. The management took lenient view on those occasions by granting one after another opportunity to improve his conduct but there was no improvement. In the year 1999 the workman was only 60 days on attendance and from August 1999 he was all along absent. A chargesheet was issued on 18-1-2000 and was sent on his address given by registered post but the same was returned unserved. However, the management initiated departmental proceeding and appointed Shri B.N. Buchalwan as Enquiry Officer and Shri D. Demelo as Management Representative. Thereafter the delinquent workman appeared and filed representation before the Enquiry Officer. The workman appeared on several dates in the enquiry proceeding and sought time which were allowed. Lastly he left the enquiry

proceeding and the Enquiry Officer proceeded *ex parte* against the workman. Thereafter the Management Representative adduced oral and documentary evidence. The Enquiry Officer found the charges proved and submitted Enquiry report. The Disciplinary Authority again show caused enclosing the enquiry report which was received by the delinquent workman. The Disciplinary Authority found the charges proved were of serious misconduct and passed the order of termination from service on 22/23-11-2001. It is submitted that the principle of natural justice was followed and the action of the management is justified.

4. The following issues are framed for adjudication:

- I. Whether the departmental proceeding conducted by the management against the workman is legal and proper ?
- II. Whether the management is required to prove misconduct against the workman in Court ?
- III. To what relief the workman is entitled ?

5. Issue No. I

According to the management, the workman was charge sheeted for his unauthorized absence and an enquiry proceeding was initiated. The workman appeared in the departmental proceeding and filed reply of the chargesheet. He appeared on several occasions and sought time. Subsequently he became absent and the proceeding was completed *ex parte*. It is submitted that full opportunity was given and the principle of natural justice was followed.

6. The management has adduced oral and documentary evidence in the case. The management has filed the photocopies of the departmental proceeding which are marked as Exhibit M/1 to M/15. The documents of departmental proceeding clearly shows that the workman appeared in the departmental proceeding on several dates and thereafter he left the proceeding without any reasonable cause. It shows that the Enquiry Officer had rightly proceeded *ex parte* against the workman. This further shows that the reasonable opportunity was given to the workman to defend himself but he had not availed on his own accord.

7. The management witness Shri Hirok Sarkar is Personnel Manager at Thesgora Underground Mine. He has supported the facts of the management and has proved the documents which are marked as Exhibit M/1 to M/15. He has stated that the workman did not present himself and therefore there was no option except to record the evidence in absence of the workman. His evidence also shows that opportunity was given to the workman to defend himself. I find and hold that the departmental enquiry conducted against the workman is legal and proper. This issue is decided against the workman and in favour of the management.

8. Issue No. II

Other issues are also taken together as the reference case is *ex parte* against the Union/workman in the Tribunal as well. The documents of the departmental proceeding and the evidence of the management adduced in Court clearly show that the misconduct of unauthorized absence was duly proved in the departmental proceeding. Now it is not necessary to the management to prove misconduct in Court. Accordingly this issue is answered.

9. Issue No. III

Considering the discussion made above, I find no reason to interfere in the order of punishment passed by the Disciplinary Authority against the workman. As such the workman is not entitled to any relief and the action of the management is justified. Accordingly, the reference is answered.

10. In the result, the award is passed without any order to costs.

11. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 23 अगस्त, 2011

का.आ. 2544.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या 133/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-8-2011 को प्राप्त हुआ था।

[सं. एल-12012/321/2002-आई आर (बी 1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 23rd August, 2011

S.O. 2544.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 133/2003) of the Central Govt. Indus. Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the industrial dispute between the management of State Bank of India and their workman, which was received by the Central Government on 23-8-2011.

[No. L-12012/321/2002-IR(B-1)]
RAMESH SINGH, Desk Officer

ANNEXURE**BEFORE SHRI J.P. CHAND, PRESIDING
OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR****Case No. CGIT/NGP/133/2003****Date : 09-08-2011**

Party No. 1 : The Dy. General Manager,
State Bank of India, Zonal Office,
Shankar Nagar, Raipur,
(Chattisgarh) 492001

Versus

Party No. 2 : Shri Ram Bihari Verma S/o Nathu Ram
Verma, C/o Sri J.I. Sirmor,
Govt. Higher Secondary School,
Mandhar Colony, PO : Mandhar,
Distt. Raipur (C.G.) 492001

AWARD**(Dated : 9th August, 2011)**

1. In exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of the State Bank of India and their workman, Shri Ram Bihari Verma, for adjudication, as per letter No. L-12012/321/2002-IR(B-I), dated 31-3-2003, with the following schedule :

SCHEDULE

"Whether the action of the Dy. General Manager, State Bank of India, Raipur (CG) in terminating the services of Shri Ram Bihari Verma, S/o Shri Nathu Ram Verma, Ex-messenger, is legal and justified? If not, to what relief is the workman entitled for?"

2. On receipt of the reference, notices were sent to the parties for filing of their respective statement of claim and written statement, in response to which, the workman, Shri Ram Bihari Verma ("the workman" in short) filed the statement of claim and the management of the State Bank of India, Raipur ("the party No. 1" in short) filed the written statement.

The case of the workman is that he was appointed temporarily in the post of messenger from August, 1995 to December, 1997 intermittently and in view of such service and the provisions of the Bipartite Settlement between the Bank and All India State Bank of India Staff Federation dated 27-10-1988, he became a protected worker and entitled for all the permanent absorption in the Bank and the Bank conducted interview for all the protected workers during 1990 and the selected persons were wait listed for permanent absorption in future in the Bank's service and he was also interviewed and selected in the said interview and was

included in the waiting list and as he was a protected worker and was about to be observed, he was offered temporary appointment but his services were abruptly terminated w.e.f. 1-1-1998, without assigning any reason and he had performed his duties for more than 240 days in a calendar year and got the status of a permanent employee, as per the provisions of Section 25-B of the Act and in order to deprive him the benefits of regular employment, he was continued with artificial breaks in service and though posts were available, the party no. 1 did not absorb him and the action of the party No. 1 in terminating his services amounts to retrenchment, but before the termination of his services, neither one month's notice nor one month's wages in lieu of notice, nor retrenchment compensation was given to him and as such, the action of terminating of his services is illegal, inoperative and invalid and as the mandatory provisions of Section 25-F of the Act were not complied with, he is entitled for reinstatement in service with back wages and the action of the party No. 1 in terminating his services is arbitrary, capricious and unfair labour practice and he made representation to the Bank repeatedly for redressal of his grievances but without any result and the party No. 1 made appointments of fresh candidate in the post of messenger but he was not given employment, which was violation of the mandatory provisions of Section 25-H of the Act. The workman has prayed for declaring the action of the party No. 1 to be illegal and unlawful and to reinstate him in service with continuity and back wages.

3. The party No. 1 in its written statement has pleaded inter alia that the appointment of the workman was on daily wages basis depending upon the exigency of the work and for specific period and discontinuation of such engagement did not amount to retrenchment in terms of Section 2(oo) of the Act and various settlements were entered into between the State Bank of India and Federation of SBI unions and by virtue of such settlement and for any other reason, the workman did not become a protected worker and did not become entitle for permanent absorption in the Bank. The further case of the party No. 1 is that the workman had been enlisted in the waiting list for absorption, but the said list lapsed on 31-3-1997, as per the terms of the settlement dated 13-7-1996 and as such, the persons, whose turn could not come by 31-3-1997 could not be considered for permanent absorption and in 1999, the workman had raised the dispute on the same facts and circumstances, which are the subject matter of the present dispute and the Government of India by its notification dated 20/24-01-2000, was pleased to not refer the dispute and the workman again approached the same forum for the same relief and once the matter has been finally decided by the Hon'ble Supreme Court in 1998 (SLP No. 11886-11888 of 1998), nothing survives and the dispute is to be answered in its favour and seventeen temporary workmen raised the dispute before the ALC, Raipur, out of whom, four being satisfied with the Bank's reply, withdrew their claims and five other workmen did not proceed against the Bank for

one reason or the other and out of the remaining eight workmen, the case of one workman Shri Kamal Soni was rejected by the Government and dispute of the rest seven workmen have been referred for adjudication for the reasons known to the concerned authorities and as the initial engagement of the workman was purely on temporary basis and the purpose for which, the workman was engaged was completed, the termination of his services was inevitable and the more fact of completion of 240 days of work did not given the workman the status of permanent employee within the meaning of Section 25-B of the Act and the workman was not given artificial breaks in service, and it did not adopt any unfair labour practice and the services of the workman were not terminated on 1-1-1998 (wrongly mentioned as 5-2-1998 in the written statement) and the workman was appointed temporarily for specific period and purpose and his services were terminated as per the appointment order and now, no work is available for him and in view of the appointment order, there was no need to comply with the provisions of section 25-F of the Act and as such, its action cannot be said to be illegal and no fresh candidates were appointed by it as messenger and there was no violation of the provisions of Section 25-H of the Act and as such, the workman is not entitled for any relief.

4. In support of their respective claims, the parties have led oral evidence. The workman has examined himself as a witness in support of his claims. In his examination-in-chief, which is on affidavit, the workman has reiterated the facts mentioned in the statement of claim. However, in his cross-examination he has admitted that his appointment was temporary and he was appointed some time as a messenger and some time as a canteen boy and some time as a peon etc.

5. One S.B. Agrawal was examined as a witness on behalf of the party No. 1. He has also reiterated the facts mentioned in the written statement in his evidence.

6. At the time of argument, it was submitted by the learned advocate for the workman that the workman worked with the party No. 1 w.e.f. 3-6-1985 continuously without any break and he had completed 12 years of service and more than 240 days of continuous work in every calendar year and as such, he had got the status of a permanent employee and his services was terminated w.e.f. 31-12-1997, without assigning any reason and the mandatory provisions of Section 25-F of the Act were not complied with and the termination amounts to retrenchment and due to non-compliance of the provisions of Section 25-F of the Act, such retrenchment is illegal and as such, the workman is entitled for reinstatement with continuity of service and full back wages and after termination of the workman, the Bank made appointment of fresh candidates in the post of messenger but did not give employment to the workman and thus violated the provisions of Sections 25-G and 25-H of the Act and Rule 77 of the Industrial Disputes (Central) Rules. In support the contentions, the

learned advocate for the workman placed reliance on the decisions reported in AIR 1960 SC-762 (Swadesh Mittran Ltd. Vs. their Workmen), 2010 (3) Mh. L.J. 537 (SC) (Ramesh Kumar Vs. State of Haryana), 2006(1) SC 545 (Workman of Bhurkhunda Colliery Vs. Management of Bhurkhunda Colliery), 2008 (3) Mh. L.J. 660 (Shyamrao Vs. State) and many others.

It was also submitted that Bank has taken the shelter of bi-partite settlement, which was entered into by the Bank and Staff Federation and the workman is not a member of the said union and the said settlement is not favourable to the workman and as such, the workman is not bound by such settlements and the workman is entitled for reinstatement in service with continuity and full back wages.

7. On the other hand, it was submitted by the learned advocate for the party No. 1 that the workman was appointed temporarily and he was duly considered by the party No. 1 for permanent absorption in the bank, as per the settlements and as such, he was interviewed and was put in the waiting list and as the waiting list lapsed on 31-3-1997, he has no right for permanent absorption or re-appointment and in OJC No. 9039 of 1997 (G Madhavrao Vs. SBI) the Hon'ble Division Bench of Orissa High Court, while deciding the claim of some candidates whose names were in the waiting list of the Bank, for appointment, basing on the said list have held that the applicants are not entitled to get any relief when the selection list came to an end on 31-3-1997 and against the said order, special leave application (Civil) No. CC 3081 of 1999 was filed before the Hon'ble Apex Court but the Special leave petitions were dismissed by the Hon'ble Apex Court on merit and therefore, the workman is not entitled for any relief. It was also submitted that as the engagement of the workman was purely on casual and temporary basis intermittently, due to administrative exigencies and need of work as messenger and was not as per procedure for permanent staff, his termination cannot be termed as retrenchment and in view of the decisions of the Hon'ble Apex Courts, even if it is found that the workman had completed more than 240 days of work, he is not entitled for regularization or reinstatement in service and as such, he is not entitled for any relief. In support of the contentions, reliance has been placed on the decisions reported in AIR 1997 SC 3657 (Himanshu Kumar Vidhyarthi Vs. State of Bihar), AIR 1997 SC 3091 (Syndicate Bank Vs. Shankar Paul), 2007 SCC (L&S) 163 (State of U.P. Vs. Deshray), 2006 SCC (L&S) 753 (Secretary State of Karnataka Vs. Umadevi) and many others.

Keeping in view the principles enunciated by the Hon'ble Courts in the decisions, on which reliance has been placed by the parties, now, the present case at hand is to be decided.

8. So far the first contention that the workman was working from 1985 with the Bank continuously for more than 12 years is concerned, I find no force in the same as because, there was no such pleading in the statement of claim and as no evidence was adduced in support of the same. The workman has specifically pleaded that he worked from August 1995 to December, 1997 and his services were terminated on 1-1-1998. In his evidence also, he has reiterated the same. Hence, the contention raised by the learned advocate for the workman cannot be accepted.

So far the contention regarding the non-application of the settlements entered into by the Bank and the Federation to the present workman is concerned, it is pleaded by the workman that in view of the term of the bipartite settlement entered into by the Bank and the Federation, he became a protected worker and the Bank conducted interview for all the protected worker and selected him in the interview and his name was enlisted in the waiting list and the intention of the parties to the agreement was to absorb the waitlisted candidates permanently. When the workman himself has admitted about the settlements and by virtue of such settlements, his name to be enlisted in the waiting list, there is no force in the contention that the settlements are not binding on the workman.

9. Admittedly the appointment of the workman was temporary for intermittent durations. The workman has pleaded such facts in his statement of claim. In view of the lapse of the waiting list prepared by the Bank on 31-3-1997 the workman is not entitled to claim appointment or reinstatement in service on the basis of such list, as the said question has already been set at rest by the decision of the Hon'ble Orissa High Court and the Hon'ble Apex Court as mentioned above.

10. However, the claim of the workman in this case is not based on the waiting list prepared by the Bank. According to the claim of the workman, he was appointed temporarily in August, 1995 and continue till December, 1997 and as he had completed more than 240 days of continuous work in a calendar year, the termination of his services without following the mandatory provision of the section 25-F of the Act is illegal and for that he is entitled for reinstatement in service.

The party No. 1 has denied the claim of the workman.

11. Perused the record including the statement of claim, written statement, oral and documentary evidence adduced by the parties and written notes of arguments. It is the admitted case of the workman that he was appointed temporarily. The documents filed by the workman show that he was engaged as a temporary messenger and not on permanent basis. There is nothing on record to show that the workman was appointed by following due procedure of appointment applicable to the Bank. So it is clear from

the evidence that the workman was working on casual basis as a temporary messenger.

On perusal of the documents filed by the workman it is found that the appointment of the workman was purely on temporary basis for a specific period and his re-appointment on fresh basis from time to time on the basis of specific order. It is also found from the documents that in the orders for temporary appointment, specific condition has been mentioned that the appointment to be purely temporary in nature due to exigency of work and need of the Bank and the workman would not be entitled to claim permanent employment and the workman accepting the condition had worked with party No. 1. It is also found from the documents that the temporary appointment was made by the Branch Manager of the Bank.

It is also well settled by the Hon'ble Apex Court in a number of decisions including in the decision of the Constitutional Bench reported in AIR 2006 SC-1806 (Secretary State of Karnataka & Others Vs. Umadevi and Others) that unless the appointment is in terms of the relevant rules and after a proper competition among qualified persons, the same would not confer any right on the appointee and if it is a contractual appointment, the appointment comes to an end at the end of the contract and if the appointment is on casual basis, the same would come to an end, when it is discontinued and a temporary employee has no right to claim to be made permanent and on expiry of the term of his appointment, he do not entitled for reinstatement in service.

Applying the principles enunciated by the Hon'ble Apex Courts to the present case at hand, it is found that the provisions of Section 25-F are not applicable to this case as from the documents filed by the workman show that his appointment was coming to an end at the end of the contract and as such, the workman has no right to claim reinstatement in service.

Moreover, it is well settled by the Hon'ble Apex Court in number of decisions that the initial burden of proof is on the workman to show that he completed 240 days of service in the preceding 12 months of the date of alleged termination and the onus of proof doesn't shift to employer nor is the burden of proof on the workman discharged, merely because employer fails to prove a defence and filing of affidavit of the workman to the effect that he had worked for 240 days continuously or that the workman had made repeated representation or raised demands for reinstatement, is not sufficient evidence that can discharge the said burden and other substantive evidence needs to be adduced to prove 240 days' continuous service.

In this case, the workman has claimed that his services were terminated on 1-1-1998. So now, it is to be seen as to whether the workman has been able to discharge the initial burden to show that he worked for 240 days in the preceding 12 months of 1-1-1998. In support his claim.

the workman besides filing his affidavit has filed documents in regard to his appointment and the said documents have been marked as exhibits W-4 to W-15. The said documents show that the workman worked for 31 days, 28 days, 31 days, 30 days, 29 days and 31 days in January, February, March, April, June and July of 1997 respectively. No document has been filed by the workman to show that he worked in May 1997 and after 31-7-1997 till 31-12-1997. The total working days in the preceding 12 months of 1-1-1998 comes to 180 days. There is no other evidence on record to show that the workman completed 240 days of work in the preceding 12 months of 1-1-1998. As the workman has failed to discharge the initial burden that he worked for 240 days in the preceding 12 months of 1-1-1998, the provisions of Section 25-F are not applicable to this case.

12. There is also no legal evidence on record to show that freshers were appointed as messengers by the party No. 1, after the termination of the services of the workman and the workman was not given employment and as such, it cannot be held that there was violation of the provisions of Sections 25-G and 25-H of the Act and Rule 77 of the Rules. Hence, it is ordered :

ORDER

The action of the Dy. General Manager, State Bank of India, Raipur (CG) in terminating the services of Shri Ram Bihari Verma, S/o Shri Nathu Ram Verma, Ex-messenger, is legal and justified. The workman is not entitled for any relief.

J.P. CHAND, Presiding Officer

नई दिल्ली, 23 अगस्त, 2011

क्र.अ. 2545.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारों एवं श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या 130/2003) को प्रकटित करती है, जो केन्द्रीय सरकार को 23-8-2011 को प्राप्त हुआ था।

[सं. एल-12012/318/2002-आई आर (बी-1)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 23rd August, 2011

S.O. 2545.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 130/2003) of the Central Govt. Indus. Tribunal-cum-Labour Court, Nagpur now as shown in the Annexure in the Industrial Dispute between management of State Bank of India and their workman, which was received by the Central Government on 23-8-2011.

[No. L-12012/318/2002-IR(B-I)]
RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE SHRI J.P. CHAND, PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/130/2003

Date : 09-08-2011

Party No. 1 : The Dy. General Manager,
State Bank of India, Zonal Office,
Shankar Nagar, Raipur,
Chattisgarh-492001

Versus

Party No. 2 : Shri Ashru Ranjan Dey Sarkar,
S/o Anand Dey Sarkar,
Room No. 29, Mana New Market,
PO : Mana Camp, Raipur,
Chattisgarh-492001

AWARD

(Dated : 3rd August, 2011)

1. In exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of the State Bank of India and their workman, Shri Ashru Ranjan Dey Sarkar, for adjudication, as per letter No. L-12012/318/2002-IR(B-I), dated 7-5-2003, with the following Schedule :

SCHEDULE

"Whether the action of the Dy. General Manager, State Bank of India, Raipur (CG) in terminating the services of Shri Ashru Ranjan Dey Sarkar S/o Shri Anand Dey Sarkar, Ex-messenger, is legal and justified? If not, what relief is the workman entitled for?"

2. On receipt of the reference, notices were sent to the parties for filing of their respective statement of claim and written statement, in response to which, the workman, Shri Ashru Ranjan Dey Sarkar ("the workman" in short) filed the statement of claim and the management of the State Bank of India, Raipur ("the party" No. 1 in short) filed the written statement.

The case of the workman is that he was appointed temporarily in the post of messenger on daily wages basis for intermittent duration and from 2-11-1992 to 31-12-1993, he worked as a canteen boy with full pay, from 23-6-1994 to 19-4-1995 as a water boy in Zonal Office and 13-10-1995 to 31-12-1997 on full pay as messenger in the Main Branch, S.B.I. Raipur and he was called for interview for the vacant and regular post of messenger by the Regional Manager vide his order dated 22-2-1990 and in the interview he was declared pass and was found suitable for the post of messenger and accordingly, the Assistant

General Manager issued instructions to the Branch Manager, Main Branch to appoint him as a messenger in the Main Branch and he had performed his duties for more than 240 days in a calendar year and got the status of a permanent employee, as per the provisions of section 25-B of the Act and in order to deprive him the benefits of regular employment he was continued with artificial breaks in service and though posts were available, the party No. 1 did not absorb him and without any reason or show cause, the party No. 1 discontinued his services w.e.f. 1-1-1998 and the action of the party No. 1 in terminating his services amounts to retrenchment, but before the termination of his services, neither one month's notice nor one month's wages in lieu of notice, nor retrenchment compensation was given to him and such, the action of terminating of his services is illegal, inoperative and invalid and as the mandatory provisions of Section 25-F of the Act were not complied with, he is entitled for reinstatement in service with back wages and the action of the party No. 1 in terminating his services is arbitrary, capricious and unfair labour practice and he made representation to the Bank repeatedly for redressal of his grievances but without any result and the party No. 1 made appointments of fresh candidate in the post of messenger but he was not given employment, which was violation of the mandatory provisions of Section 25-H of the Act. The workman has prayed for declaring the action of the party No. 1 to be illegal and unlawful and to reinstate him in service with continuity and back wages.

3. The party no. 1 in its written statement has pleaded inter alia that the appointment of the workman was on daily wages basis depending upon the exigency of the work and for specific period and discontinuation of such engagement did not amount to retrenchment in terms of Section 2(o) of the Act and various settlements were entered into between the State Bank of India and Federation of SBI unions and by virtue of such settlement and for any other reason, the workman did not become a protected worker and did not become entitle for permanent absorption in the Bank. The further case of the party No. 1 is that the worker had been enlisted in the waiting list for absorption, but the said list lapsed on 31-3-1997, as per the terms of the Settlement dated 13-7-1996 and as such, the persons, whose turn could not come by 31-3-1997 could not be considered for permanent absorption and in 1999, the workman had raised the dispute on the same facts and circumstances, which are the subject matter of the present dispute and the Government of India by its notification dated 20/24-01-2000, was pleased to not refer the dispute and the workman again approached the same forum for the same relief and once the matter has been finally decided by the Hon'ble Supreme Court in 1998 (SLP No. 11886-11888 of 1998), nothing survives and the dispute is to be answered in its favour and seventeen temporary workmen raised the dispute before the ALC, Raipur, out of whom, four being satisfied with the Bank's reply, withdrew their

claims and five other workmen did not proceed against the Bank for one reason or the other and out of the remaining eight workmen, the case of one workman Shri Kamal Soni was rejected by the Government and dispute of the rest seven workmen have been referred for adjudication for the reasons known to the concerned authorities and as the initial engagement of the workman was purely on temporary basis and the purpose for which, the workman was engaged was completed, the termination of his services was inevitable and the more fact of completion of 240 days of work did not give the workman the status of permanent employee within the meaning of Section 25-B of the Act and the workman was not given artificial breaks in service, and it did not adopt any unfair labour practice and the services of the workman were not terminated on 1-1-1998 (wrongly mentioned as 5-2-1998 in the written statement) and the workman was appointed temporarily for specific period and purpose and his services were terminated as per the appointment order and now, no work is available for him and in view of the appointment order, there was no need to comply with the provisions of Section 25-F of the Act and as such, its action cannot be said to be illegal and no fresh candidates were appointed by it as messenger and there was no violation of the provisions of Section 25-H of the Act and as such, the workman is not entitled for any relief.

4. In support of their respective claims, the parties have led oral evidence. The workman has examined himself as a witness in support of his claims. In his examination-in-chief, which is on affidavit, the workman has reiterated the facts mentioned in the statement of claim. However, in his cross-examination he has admitted that his appointment was temporary and he was appointed some time as a messenger and some time as a canteen boy and some time as a peon etc.

5. One S.B. Agrawal was examined as a witness on behalf of the party No. 1. He has also reiterated the facts mentioned in the written statement in his evidence.

6. At the time of argument, it was submitted by the learned advocate for the workman that the workman worked with the party no. 1 w.e.f. 3-6-1985 continuously without any break and he had completed 12 years of service and more than 240 days of continuous work in every calendar year and as such, he had got the status of a permanent employee and his services was terminated w.e.f. 31-12-1997, without assigning any reason and the mandatory provisions of Section 25-F of the Act were not complied with and the termination amounts to retrenchment and due to non-compliance of the provisions of Section 25-F of the Act, such retrenchment is illegal and as such, the workman is entitled for reinstatement with continuity of service and full back wages and after termination of the workman, the Bank made appointment of fresh candidates in the post of messenger but did not give employment to the workman and thus violated the provisions Sections

25-G and 25-H of the Act and Rule 77 of the Industrial Disputes (Central) Rules. In support of the contentions, the learned advocate for the workman placed reliance on the decisions reported in AIR 1960 SC-762 (Swadesh Mitran Ltd. Vs. their Workmen), 2010 (3) Mh. L.J. 537 (SC) (Ramesh Kumar Vs. State of Haryana), 2006(1) SC 545 (Workman of Bhurkhunda Colliery Vs. Management of Bhurkhunda Colliery), 2008 (3) Mh. L.J. 660 (Shyamrao Vs. State) and many others.

It was also submitted that Bank has taken the shelter of bi-partite settlement, which was entered into by the Bank and Staff Federation and the workman is not a member of the said union and the said settlement is not favourable to the workman and as such, the workman is not bound by such settlements and the workman is entitled for reinstatement in service with continuity and full back wages.

7. On the other hand, it was submitted by the learned advocate for the party No. 1 that the workman was appointed temporarily and he was duly considered by the party No. 1 for permanent absorption in the bank, as per the settlements and as such, he was interviewed and was put in the waiting list and as the waiting list lapsed on 31-3-1997, he has no right for permanent absorption or re-appointment and in OJC No. 9039 of 1997 (G Madhavrao Vs. SBI) the Hon'ble Division Bench of Orissa High Court, while deciding the claim of some candidates whose names were in the waiting list of the Bank, for appointment, basing on the said list have held that the applicants are not entitled to get any relief when the selection list came to an end on 31-3-1997 and against the said order, special leave application (Civil) No. CC 3081 of 1999 was filed before the Hon'ble Apex Court but the Special leave petitions were dismissed by the Hon'ble Apex Court on merit and therefore, the workman is not entitled for any relief. It was also submitted that as the engagement of the workman was purely on casual and temporary basis intermittently, due to administrative exigencies and need of work as messenger and was not as per procedure for permanent staff, his termination cannot be termed as retrenchment and in view of the decisions of the Hon'ble Apex Courts, even if it is found that the workman had completed more than 240 days of work, he is not entitled for regularization or reinstatement in service and as such, he is not entitled for any relief. In support of the contentions, reliance has been placed on the decisions reported in AIR 1997 SC 3657 (Himanshu Kumar Vidhyathi Vs. State of Bihar), AIR 1997 SC 3091 (Syndicate Bank Vs. Shankar Paul), 2007 SCC (L&S) 163 (State of U.P. Vs. Deshraj), 2006 SCC (L&S) 753 (Secretary, State of Karnataka Vs. Umadevi) and many others.

Keeping in view the principles enunciated by the Hon'ble Courts in the decisions, on which reliance has been placed by the parties, now the present case at hand is to be decided.

8. So far the first contention that the workman was working from 1985 with the Bank continuously for more than 12 years is concerned, I find no force in the same as because, there was no such pleading in the statement of claim and as no evidence was adduced in support of the same. The workman has specifically pleaded that he worked from August 1995 to December, 1997 and his services were terminated on 1-1-1998. In his evidence also, he has reiterated the same. Hence, the contention raised by the learned advocate for the workman cannot be accepted.

9. The workman though has claimed that he was called for interview for the vacant and regular post of messenger and was selected and appointed as messenger, no document has been filed in this response. Rather, the documents filed by the workman show that his employment as messenger was on temporary basis for specific period, which was being extended from time to time.

Admittedly the appointment of the workman was temporary for intermittent durations. The workman has pleaded such facts in his statement of claim.

10. However, the claim of the workman in this case is not based on the waiting list prepared by the Bank. According to the claim of the workman, he was appointed temporarily in August, 1995 and continue till December 1997 and as he had completed more than 240 days of continuous work in a calendar year, the termination of his services without following the mandatory provision of the section 25-F of the Act is illegal and for that he is entitled for reinstatement in service.

The party No. 1 has denied the claim of the workman.

11. Perused the record including the statement of claim, written statement, oral and documentary evidence adduced by the parties and written notes of arguments. It is the admitted case of the workman that he was appointed temporarily. The documents filed by the workman show that he was engaged as a temporary messenger and not on permanent basis. There is nothing on record to show that the workman was appointed by following due procedure of appointment applicable to the Bank. So it is clear from the evidence that the workman was working on casual basis as a temporary messenger.

On perusal of the documents filed by the workman it is found that the appointment of the workman was purely on temporary basis for a specific period and his re-appointment on fresh basis from time to time on the basis of specific order. It is also found from the documents that in orders for temporary appointment, specific condition has been mentioned that the appointment to be purely temporary in nature due to exigency of work and need of the Bank and the workman would not be entitled to claim permanent employment and the workman accepting the condition had worked with party No. 1. It is also found

from the documents that the temporary appointment was made by the Branch Manager of the Bank.

It is also well settled by the Hon'ble Apex Court in a number of decisions including in the decision of the Constitutional Bench reported in AIR 2006 SC 1806 (Secretary, State of Karnataka & Others Vs. Umadevi and Others) that unless the appointment is in terms of the relevant rules and after a proper competition among qualified persons, the same would not confer any right on the appointee and if it is a contractual appointment, the appointment comes to an end at the end of the contract and if the appointment is on casual basis, the same would come to an end, when it is discontinued and a temporary employee has no right to claim to be made permanent and on expiry of the term of his appointment, he is not entitled for reinstatement in service.

Applying the principles enunciated by Hon'ble Apex Courts to the present case at hand, it is found that the provisions of section 25-F are not applicable to this case as from the documents filed by the workman show that his appointment was coming to an end at the end of the contract and as such, the workman has no right to claim reinstatement in service.

Moreover, it is well settled by the Hon'ble Apex Court in number of decisions that the initial burden of proof is on the workman to show that he completed 240 days of service in the preceding 12 months of the date of alleged termination and the onus of proof doesn't shift to employer nor is the burden of proof on the workman discharged, merely because employer fails to prove a defence and filing of affidavit of the workman to the effect that he had worked for 240 days continuously or that the workman had made repeated representation or raised demands for reinstatement, is not sufficient evidence that can discharge the said burden and other substantive evidence needs to be adduced to prove 240 days' continuous service.

In this case, the workman has claimed that his services were terminated on 1-1-1998. So now, it is to be seen as to whether the workman has been able to discharge the initial burden to show that he worked for 240 days in the preceding 12 months of 1-1-1998. In support of his claim, the workman besides filing his affidavit has filed documents in regard to his appointment and the said documents have been marked as exhibits W-4 to W-33. The said documents show that the workman worked for 31 days, 28 days, 31 days, 30 days, 29 days and 31 days in January, February, March, April, June and July of 1997 respectively. No document has been filed by the workman to show that he worked in May 1997 and after 31-7-1997 till 31-12-1997. The total working days in the preceding 12 months of 1-1-1998 comes to 180 days. There is no other evidence on record to show that the workman completed 240 days of work in the preceding 12 months of 1-1-1998. As the workman has failed to discharge the initial burden that he worked

for 240 days in the preceding 12 months of 1-1-1998, the provisions of section 25-F are not applicable to this case.

12. There is also no legal evidence on record to show that freshers were appointed as messengers by the party No. 1, after the termination of the services of the workman and the workman was not given employment and as such, it cannot be held that there was violation of the provisions of sections 25-G and 25-H of Act and Rule 77 of the Rules. Hence, it is ordered :

ORDER

The action of the Dy. General Manager, State Bank of India, Raipur (CG) in terminating the services of Shri Ashru Ranjan Dey Sarkar, S/o Shri Anand Dey Sarkar, Ex-messenger, is legal and justified. The workman is not entitled for any relief.

J.P. CHAND, Presiding Officer

नई दिल्ली, 23 अगस्त, 2011

क्र.आ. 2546.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार रिजर्व बैंक ऑफ इण्डिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या 22/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-8-2011 को प्राप्त हुआ था।

[सं. एल-12011/02/2001-आई आर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 23rd August, 2011

S.O. 2546.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 22/2001) of the Central Govt. Indus. Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Reserve Bank of India and their workman, which was received by the Central Government on 23-8-2011.

[No. L-12011/2/2001-IR(B-I)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE SHRI J.P. CHAND, PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/22/2001

Date: 02-08-2011

Party No. 1 : The Regional Director for Maharashtra, Reserve Bank of India, Nagpur (M.S.)-440 002

Versus

Party No. 2 : Shri Secretary,
Reserve Bank Employees Association,
B.M.S. Office Mandir Marg,
Sitabuldi, Nagpur-440 012

AWARD

(Dated : 2nd August, 2011)

In exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of the Reserve Bank of India and their workman, for adjudication, as per letter No. L-12011/2/2001-IR(B-I), dated 16-5-2001, with the following schedule :

"Whether the action of the management of Reserve Bank of India, Nagpur in deny for discussion with the unrecognized union (namely : Reserve Bank Employees Nagpur) operating in the bank in regard to the problems and grievances of individual workers relating to their service keeping in view of the judgement of Hon'ble S.C. and H.C. of Orissa is justified? If not, what relief the said union is entitled?"

2. On receipt of the reference, notices were sent to the parties to file their respective statement of claim and written statement, in response to which, the union, Reserve Bank Employees Association, (the "union" in short) filed the statement of claim and the management of Reserve Bank of India ("the party No. 1" in short) filed the written statement.

The case of union as projected in the statement of claim is that it is a registered trade union of the class-III employees having sizeable following of the employees in class III cadre at Nagpur and as per the verification of membership last conducted by the Government of India, Ministry of Labour in 1983-84, the Union had 49.4% membership of class-III employees at Nagpur and it has also been granted "check off" facility by the Bank and such facts, ipso facto prove that it is a representative union of the Class-III employees in terms of the code of Discipline, formulated by the Government of India, Ministry of Labour for public sector industries and the above facts were admitted by the bank in the affidavit sworn on 8-7-1984, before the Hon'ble High Court of Judicature, Mumbai, Nagpur Bench in Writ Petition No. 539 of 1984 and the party No. 1 is a body corporate and is a state within the meaning of Article 12 of the Constitution of India and the party No. 1 has its offices in almost all the state capitals and it has also an office at Nagpur since 1956, governing, controlling and regulating the Bank activities in Vidharbha Region and the adjoining areas.

The further case of the union is that it is affiliated to its Apex body, "All India Reserve Bank Workers Organisation", which is affiliated to "Bhartiya Mazdoor Sangh", the largest union of the country as per the Government Census and its rival union, "Reserve Bank of India Employees Association" (affiliated to AIRBEA) also functions at the Bank's Nagpur office and the bank has been granting full patronage to the said union and showing favoritism to the said union so much so that its voice is strangled and the party No. 1 refuses to have any dialogue with its office bearers and refuses to respond to the problems of the individual employee taken up by its and does not give any sort of cognizance to its existence and the patronage given to its rival union amounts to unfair labour practice, prohibited under the V Schedule of the Act and the Hon'ble Apex Court, in the case of Balmer Lawrie Workers Union Bombay and another versus Balmer Lawrie and Co. Ltd., reported in AIR 1985 SC-311 have held the statutory right of an unrecognized union to meet and discuss the problems and grievance of individual workers with the employer and the Hon'ble High Court of Orissa, in Writ Petition No. OJC 8863/97, in the case of Orissa State Bank Officers Association versus Union of India and others, maintaining the ratio decidendi of the Hon'ble Apex Court have held that the unregistered union has a right to statutory recognition and right to meet and discuss the problems and grievance of individual workers, with the employer and vide its letter dated 22-11-1999, it had requested the Governor of the Bank at Central Office, Mumbai invoking his administrative jurisdiction to grant representative status to it at local level, in the back ground of the principles enunciated by the Hon'ble Courts and in the wake of guidelines set by Government of India, Ministry of Labour in the code of Discipline, formulated for the public sector industries and the said letter was also endorsed to the Secretary to Government of India, Ministry of Labour, New Delhi and to the Regional Labour Commissioner (Central) at Nagpur but the highest echelon of the Bank willfully denied its just and valid request by observing mute silence and there has been no communication what so ever from the Central Office, which amounts to denial of its just demand and thereafter, it had requested the party No. 1 to hold discussions in respect of the cases of Shri P.V. Lohakare, Shri R.S. Ambhaikar, Shri A.A. Paranjape, Shri A.N. Chahakhekar, Smt. A.D. Kulkarni, Shri P.S. Nimbekar and Shri B.D. Nandanwar to solve the issues and the matter was subsequently reported to the Regional Labour Commissioner (Central) Nagpur and it was seized for conciliation by the competent authority i.e. Assistant Labour Commissioner, Nagpur on 11-7-2000, but the conciliation ended in failure and as such, the conciliation officer submitted the failure report to the Central Government on 11-1-2001 recommending that it has a prima-facie case and the right to representation locally is vested on it and the denial of such a right and to grant favour to the rival union amounts to unfair labour

practice and the seven cases annexed with the statement of claim amply establish that the party No. 1 has turned a blind eye and a deaf ear to the vexed problem of the employees and the representative right to it. The Union has prayed to direct the party No. 1 to grant representative status to it at local level at Nagpur and to hold discussions with it, whenever the problems of individual worker are taken up, as per the decisions of the Hon'ble Apex Court and Hon'ble Orissa High Court and to issue a mandate to observe the provisions of law without any discrimination.

3. The party No. 1 in its written statement has pleaded inter-alia that the dispute is not an industrial dispute within the meaning and scope of the provisions of Section 2(k) of the Act and the union is an unrecognized and unrepresentative union of class-III employees and "All India Reserve Bank of Employees Association" is the recognized and representative union class-III employees of the bank, with whom, the bank has entered into various settlements from time to time and the service conditions of its staff are governed by the Reserve Bank of India (Staff) Regulations, 1948 and instructions issued by the Bank from time to time and staff in class-III and IV are also governed by the awards and settlements entered into between the bank and the representative unions at different points of time and it is under no obligation to discuss or negotiate with any union in view of the principles envisaged by the Hon'ble Bombay High Court (Nagpur Bench) in writ petition No 2000/84 in the case of "All India Reserve Bank Workers Organization Vs. Reserve Bank of India". It is further pleaded by the party No. 1 that in the year 1966, a joint meeting of the unions, Bank and Ministry of Labour, Government of India had been held and it had been decided in the said meeting to recognize one union for representing class-III employees and another union for representing class-IV employees of the Bank and any deviation from the understanding would not be proper, as it may lead to industrial unrest in the bank and the bank and the recognized unions have accepted the Code of Discipline, in terms of which both the parties have accepted certain obligations and one of the obligations enjoined upon the bank is to recognize one union with largest membership of class-III employees and the union, "All India Reserve Bank Employees' Association" has the all-India membership of over 89.2% of class-III employees of the Bank as on 31-3-2000 and the said recognized union enjoys the confidence of the majority of the employees and as such, it did not extend recognition to any other union or to hold negotiation on demands with any minority union.

It is also averred by the party No. 1 that the Bank had filed the writ petition No. 1339/91 challenging the legality and correctness of the Award (Khatri Award) passed by the Presiding Officer of the Central Government Industrial Tribunal No. 1, Bombay on 28-2-1991 and the Hon'ble Court disposed the said writ petition modifying the Award partly

with the observation that, "I do not find any fault at all if the Reserve Bank of India decides as a matter of policy to deal with, negotiate and enter into settlements with a union, which has the support of overwhelming largest majority employees belonging to class-III".

By no stretch of imagination the case could be said to have laid down the principle that the management is obliged to negotiate with each and every union irrespective of the support it commands. In any case, on the basis of the facts and circumstances of the case before me, without any allegations of mala fide or any other unfair labour practice against the Reserve Bank of India, I do not see any impropriety or unfairness if the Reserve Bank of India deals with, negotiates and enters into settlements with the Association, which is a recognized union as per the Code of Discipline by the Reserve Bank of India, which is having the support of overwhelming large majority of the employees and with whom the Bank has been entering into settlements for over a long period from 1935 i.e. from inception till this date.

Under the circumstances, if the claim of the Organization or the Federation is to the effect that they should be called for negotiations simultaneously while the Reserve Bank of India is negotiating or entering into settlements with the Association, the said claim cannot be accepted. If the claim of the Federation or Organisation is to the effect that before implementing the settlements or concluding settlements with the Association, though simultaneously, but separately, they must be consulted or called for negotiations on that issue even the said claim cannot be accepted. It must be stated that it is also in the interest of industrial peace that the management is negotiating and settling issues with one union, of course, having majority support. Therefore, even to that extent, the claim of the Federation and Organisation cannot be upheld and the award passed by the Central Government Industrial Tribunal declaring to the effect that the action of the management of the Reserve Bank of India in not inviting the Organization and the Federation (minority unions) and directing to call those unions for discussions was quashed by the Hon'ble High Court and the order was modified deleting the observations casting obligations on the Bank to call unrecognized union also for negotiations and the two decisions cited by the union has no relevancy to the facts in the present case.

The further case of the party No. 1 is that verification of membership was conducted at Nagpur Office, on 30-6-2001 and out of 738 total class-III employees, 420 employees were the members of the recognized union and the union had only 293 members (about 40%) of total class-III employees and as per Bank's policy, recognition has been accorded to the union having membership of majority of employees and the union has neither at all India level nor at local level has majority following among the class-III employees, so it has not been recognized and the claim

of the union that it is holding the status of "Representative union" is not tenable and the fact that "check off" facility is granted to the union does not in any way established that it is a representative union and the allegations of patronage and step motherly treatment are unfounded and there is no unfair labour practice and it will not enter into discussion/negotiations with an unrecognized union as a matter of policy but the representations made by them will definitely be taken into account and necessary action would be taken in the circumstances, which demand the same and in view of the fact that as the union is unrecognized, no reply was given by the Bank to its letters and it meets and discusses the employees' common issues with the recognized union and there are six unrecognized registered unions of class-III in Nagpur office itself and dealing with the minority unions will only complicate the issues and may not lead to any settlement or understanding because of inter-union rivalry and the issues raised by the union vide their various letters relating to individual employees had been considered cases and suitable action had been taken in the matter at the appropriate stage, as mentioned in the separate statement attached to the written statement as "annexure-II" and the union is not entitled for any relief.

4. In support of its claims, the union has examined Sanjay Muralidhar Chepurwar, its secretary as a witness. In his examination-in-chief, which is on affidavit, the witness for the union has reiterated the facts mentioned in the statement of claim. However, in his cross-examination, the witness has stated that his union is not a recognized union and at present 39% workmen are members of their union and Reserve Bank of India has not recognized their union and for that, the Bank does not invite them for discussion in respect of the problems of individual workman and the Reserve Bank of India has recognized the union, Reserve Bank of India Employees Association.

No oral evidence has been adduced by the party No. 1

5. At the time of argument, it was submitted by the learned advocate for the union that Section 36 of the Act contains the provisions regarding the representation of the workman and the employer in any proceeding under the Act and the right which can be enforced is only of participation in any proceeding under the Act and no other right and such right can be exercised by recognized trade union to the exclusion of others, only when recognition has been granted under any law for the time being in force and in the present dispute, the union is not claiming any right of participation in any dispute in any proceeding under the Act and the union is claiming the right of discussion with respect the members of the union in respect of the individual disputes and so far the Reserve Bank of India, there is no recognized union, which has been given recognition under the provisions of law and as such, it can be held that the party No. 1 is misrepresenting the law and the judgment reported in (1965) 2 LLJ, 162 was not about

discussion with the trade union but was about participation in proceedings under the Act and in view of the facts mentioned in the rejoinder by the party No. 1, it is clear that recognition has not been given granted to "All India Reserve Bank Employees's Association" under any law and the party No. 1 is misleading the Tribunal and if the scope of Sections 10 and 11 of the Act is considered, then it will be observed that the Tribunal is empowered to adjudicate and decide every dispute referred to it, including the present dispute and the party No. 1 is denying the right to the union only because of the existence of the so called recognized union, which is not there in accordance with the provisions of any law and as such, the action of the party No. 1 is illegal and arbitrary and the reference is to be answered in negative.

In support of such contentions, reliance was placed on the decisions reported in AIR 1985 SC-311, 1999(1) OLR-271 (All Orissa State Bank Officers' Association Vs. Union of India and others), 1996(3) ALT 1015 (AP) (The Chairman and Managing Director, Indian Airlines Ltd., New Delhi Vs. Indian Airlines Technical Assistants Union) and judgement in Writ Petition No. 1639 of 1991 of Hon'ble High Court of Bombay.

6. On the other hand, it was submitted by the learned advocate for the party No. 1 that the judgment of the Hon'ble Orissa High Court in the case of All Orissa State Bank Officers' Association Vs. Union of India and others in OJC No. 8863 of 1997 has already been set aside by the Hon'ble Apex Court in review petition (Civil) Nos. 1111/1112 of 2002 reported in JT 2003(6) SC-345 and as such, the judgment of the Hon'ble Orissa High Court has no application to the present dispute. It was further submitted that the Hon'ble Apex Court in the decision reported in AIR 1966 305 (All India Reserve Bank Employees Association Vs. Reserve Bank of India), which was rendered by a bench comprising four Hon'ble Judges have held that, "the next demand made by both the association and the union was that they should be allowed to participate and represent workers in disputes between an individual workman and the Reserve Bank. The Tribunal did not accept this contention for the good reason that if unions intervene in every industrial dispute between an individual workman and the establishment the internal administration would become impossible. In our judgement, this demand cannot be allowed and in view of the principles enunciated by the Hon'ble Apex Court, in the decisions reported in AIR 1966 SC 305 (Supra) and JT 2003(6) SC 345 (Supra), the reference is to be answered in affirmative.

In support of such contentions, reliance was placed on the decisions reported in AIR 1966 SC 305 (Supra), JT 2003(6) SC 345 (Supra) and the judgment of the Hon'ble High Court of Judicature of Bombay in Writ Petition No. 1639 of 1991 (Reserve Bank of India Vs. All India Reserve Bank Workers Organisation and others).

7. Perused the pleadings of the parties and the evidence, both oral and documentary on record. The Union has placed reliance on the decision of the Hon'ble Apex Court as reported in AIR 1985 SC-311 (Supra). However, with respect, I am of the view that the said judgment has no application to the present case at hand, as in that case, the point for consideration before the Hon'ble Apex Court was in respect of Section 20(2) and Section 22 of the Maharashtra Recognition of Trade Union and Prevention of Unfair Labour Practices Act, along with Section 2A of the Industrial Disputes Act, which is not the point for consideration in the present case in hand and so also in view of the judgment of the Hon'ble Apex Court as reported in AIR 1966 SC 305 (Supra), which is a judgment of larger bench of the Apex Court.

It is also found from record that the judgment of the Hon'ble Orissa High Court in OJC No. 8863 of 1997 has already been set aside by the Hon'ble Apex Court in the judgment as reported in JT 2003(6) SC 345 (Supra). In the said judgment, the Hon'ble Apex Court have held that, "In our view, the contention urged by the counsel for the review petitioner has merit and need acceptance. There is no common law right of a trade union to represent its members, whether for purposes of collective bargaining or individual grievances of members. This is an inroad made into the common law by special statutes. Either the special statute operates proprio vigore, or it doesn't. In the situation before us, it is undisputed that rule 24(a) on which the respondent association and the High Court placed reliance has no application. This is accepted even in the judgment under review. Nonetheless, on general principles of equity, justice and fair play the judgment under review holds that the minority trade union should also be afforded an opportunity of ventilating individual grievances of its members. It appears to us that, in doing so, the attention of this Court was not adverted to the elaborate grievance procedure machinery which is in existence and the details of which was placed on record. Having considered the matter in its entire perspective, we are inclined to agree with the submissions, of the review petitioner. We do not think the denying such a right of representation to the minority union, when such a right is not conceded even to the majority union amounts to discrimination requiring redressal at the hands of the High Court. It is also not possible for the High Court to exercise its powers under Article 226 to direct an employer to bring into existence such a system of representation in grievance procedure. In the absence of arbitrariness or discrimination, in our judgment, there was no scope at all for interference in exercise of writ jurisdiction. It is urged by Shri Salve for the review petitioner that the application of such a principle in one zone might create serious repercussions all over, since the bank has branches throughout the country. We also noticed that the appropriate government in respect of the State Bank of India is the Central Government and the

rules made by the State Government cannot be enforced against it. Considering all aspects of the matter, it appears to us that the review petitions must be allowed, as these crucial issues were not considered in the judgment under review."

In view of the judgments of the Hon'ble Apex Court in the two decisions, AIR 1966 SC 305 (Supra) and JT 2003(6) 345 (Supra), with respect, I am of the view that the judgments, reported in 1996(3) ALT 1015 (DB) (Supra) and writ petition No. 1639/91, on which reliance has been placed by the union have no application to the present case at hand.

Applying the principles enunciated by the Hon'ble Apex Court as mentioned above in the two decisions, to the present case at hand, it is found that the action of the first party cannot be said to be unjustified. Hence, it is ordered :

ORDER

The action of the management of Reserve Bank of India, Nagpur in deny for discussion with the unrecognized union (namely : Reserve Bank Employees Nagpur) operating in the bank in regard to the problems and grievances of individual workers relating to their service keeping in view of the judgment of Hon'ble S.C. and H.C. of Orissa is justified. The Union is not entitled to any relief.

J.P. CHAND, Presiding Officer

नई दिल्ली, 24 अगस्त, 2011

का.आ. 2547.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बी.एस.एन.एल. के प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जयपुर के पंचाट (संदर्भ संख्या 127/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-8-2011 को प्राप्त हुआ था।

[सं. एल-40012/50/2005-आई आर (डीयू)]
जोहन तोपनो, अवर सचिव

New Delhi, the 24th August, 2011

S.O. 2547.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 127/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of BSNL and their workman, which was received by the Central Government on 24-8-2011.

[No. L-40012/50/2005-IR(DU)]
JOHN TOPNO, Under Secy.

अनुबन्ध

केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय,
जयपुर

सी.जी.आई.टी प्रकरण सं. 127/2005

श्री एन. के. पुरोहित, पीठासीन अधिकारी

विज्ञापित सं. (रेफरेन्स नं. L-40012/50/2005/-IR (DU)

दिनांक 10-11-2005

संयुक्त सचिव,
हिन्द मजदूर सभा,
बंगाली कॉलोनी, छावनी,
कोटा, राजस्थान

बनाम

जनरल मैनेजर टेलिकॉम विभाग,
भारत संचार निगम लिमिटेड,
रोड नं.-2, औद्योगिक क्षेत्र,
कोटा, राजस्थान

पंचाट

दिनांक 14-7-2011

केन्द्रीय सरकार के द्वारा उक्त विज्ञापित के जरिए औद्योगिक विवाद अधिनियम, 1947 की धारा 10 के अन्तर्गत निम्न औद्योगिक विवाद न्याय निर्णय किए जाने हेतु निर्देशित किया।

"Whether the contention of the Union that workman Shri Prakash Chandra Bhati S/o Shri Bhanwar Lal Bhati has completed 240 days service during the period from 2-6-1977 to 1-3-1978 on daily wages and his services were illegally terminated by GMTD, BSNL, Kota w.e.f. 2-3-1978 is correct? If yes, to what relief the workman is entitled to and from which date?"

प्रार्थी के स्टेटमेंट ऑफ क्लेम में अभिवचन है कि प्रबन्धक, भारत पोस्ट एण्ड टेलिग्राफ, नयापुरा कोटा, द्वारा उसे दैनिक वेतन, मजदूर के पद पर दिनांक 2-6-1977 को नियोजित किया था। प्रार्थी ने दिनांक 1-3-1978 तक निरन्तर कार्य करते हुए 240 दिन से अधिक अवधि तक कार्य किया है। प्रार्थी ने अभिकथित किया है कि उसे दिनांक 2-3-1978 को औद्योगिक विवाद अधिनियम, 1947 की धारा 25F के प्रावधानों का पालन किये बिना अवैध रूप से हटा दिया गया। प्रार्थी ने यह भी अभिकथित किया है कि अप्रार्थी के द्वारा औद्योगिक विवाद नियम, 1957 के नियम 77 के अन्तर्गत वरिष्ठता सूची का प्रकाशन नहीं किया तथा प्रार्थी को नौकरी से हटाए जाने के समय उससे कनिष्ठ किशोर-आदि कई श्रमिक अप्रार्थी के नियोजन में थे व अब भी नियोजन में मौजूद हैं इस प्रकार अप्रार्थी ने अधिनियम की धारा 25G की अवहेलना करते हुए नौकरी से हटाया है। इसके अलावा उसे हटाए जाने के बाद अन्य श्रमिक रामकरण को दैनिक

वेतन पर रखा गया। उसे सेवा में नियोजित किए जाने से पूर्व अधिनियम की धारा 25H एवं नियम 1957 व 58 के प्रावधानों की भी अवहेलना की है। अतः प्रार्थी को पिछले सम्पूर्ण वेतन सहित समस्त लाभों के सेवा में बहाल किया जावे।

अप्रार्थी प्रतिनिधि द्वारा दिनांक 13-2-2006 को क्लेम स्टेटमेंट की प्रति प्राप्त करने के बाद जवाब प्रस्तुत करने की स्टेज पर लम्बी अवधि तक पीठासीन अधिकारी का पद रिक्त रहा। अतः इस पद पर नियुक्ति के बाद पक्षकारों को पुनः रजिस्टर्ड नोटिस जारी किए गए। रजिस्टर्ड नोटिस की तामील के बावजूद अप्रार्थी की तरफ से कोई उपस्थित नहीं हुआ। अतः दिनांक 9-8-2010 को अप्रार्थी के विरुद्ध एक पक्षीय कार्यवाही का आदेश पारित किया गया। तारीख 4-10-2010 को अप्रार्थी की ओर से श्री बहमानन्द अधिवक्ता ने एकपक्षीय कार्यवाही निरस्त किये जाने हेतु एक आवेदन प्रस्तुत किया तथा अधिकार-पत्र प्रस्तुत करने हेतु अवसर चाहा। पश्चात्तर्वर्ती तिथियों पर न अधिकार-पत्र प्रस्तुत किया और न ही अप्रार्थी की ओर से कोई उपस्थित हुआ।

प्रार्थी ने क्लेम-स्टेटमेंट के समर्थन में स्वयं का शपथ-पत्र साक्ष्य में प्रस्तुत किया है तथा दिनांक 2-6-1977 से दिनांक 1-3-1978 तक मजदूर के रूप में अप्रार्थी के यहां कार्य किए जाने का एक प्रमाण-पत्र पेश किया है।

प्रार्थी प्रतिनिधि को सुना गया एवं पत्रावली का अवलोकन किया गया।

प्रार्थी ने अपने शपथ-पत्र में क्लेम स्टेटमेंट के अभिवचनों को दोहराते हुए कहा है कि उसने दिनांक 2-6-1977 से दिनांक 1-3-1978 तक की अवधि में दैनिक वेतन भोगी मजदूर की हैसियत से 240 दिन से अधिक अवधि तक निरन्तर कार्य किया है। उसे बिना कोई कारण बताए एवं पूर्व सूचना के दिनांक 1-3-1978 को नौकरी से हटा दिया गया। अपने उक्त कथन के समर्थन में भारत पोस्ट एण्ड टेलिग्राफ विभाग के A.E.P. Auto Installation, कोटा का एक प्रमाण-पत्र दिनांक 11-8-1978 प्रस्तुत किया है जिसमें प्रार्थी द्वारा मजदूर के रूप में दिनांक 2-6-1977 से दिनांक 1-3-1978 की अवधि में कार्य करना प्रमाणित किया है।

प्रार्थी प्रतिनिधि का कहना है कि अप्रार्थी के विरुद्ध एक-पक्षीय कार्यवाही चली है एवं क्लेम स्टेटमेंट का कोई जवाब प्रस्तुत नहीं हुआ है अतः प्रार्थी द्वारा प्रस्तुत मौखिक एवं दस्तावेजात से प्रार्थी के पक्षकथन को न मानने का कोई आधार नहीं है।

यह सिद्ध करने का प्रारम्भिक भार प्रार्थी पर था कि उसे हटाने की तिथि से पूर्ववर्ती 12 माह की अवधि में उसने 240 दिन कार्य किया है। प्रार्थी के शपथ-पत्र में उसने हटाने की तिथि 1-3-1978 से पूर्व 2-6-1977 से 1-3-1978 की अवधि में 240 दिन कार्य करने का कथन किया है। अप्रार्थी के विरुद्ध एक पक्षीय कार्यवाही के कारण न अप्रार्थी का कोई जवाब प्रस्तुत हुआ है। इसके अलावा प्रार्थी द्वारा प्रस्तुत प्रमाण-पत्र से जाहिर होता है कि मस्टर रोल के आधार पर यह प्रमाणित किया गया है कि उसने उक्त अवधि में अप्रार्थी के यहां

मजदूर के रूप में कार्य किया है। इसके खण्डन में अप्राथी की कोई साक्ष्य अभिलेख पर नहीं है। प्राथी के कथन का उक्त प्रमाण-पत्र से भी समर्थन उपलब्ध है। अतः प्राथी द्वारा प्रस्तुत मौखिक एक दस्तावेजी साक्ष्य से यह प्रमाणित होता है कि उसने उक्त अवधि में 240 दिन से अधिक कार्य किया है तथा उसे अधिनियम की धारा 25F के प्रावधानों का पालनक किए बिना नौकरी से हटाया गया है।

प्राथी ने अपने शपथ-पत्र में कहा है कि उसे हटाने समय उससे कनिष्ठ किशोर, अख्तर आदि श्रमिक कार्यरत थे तथा उसे हटाने के बाद रामकरण को दैनिक वेतन पर रख लिया लेकिन अपने कथन के समर्थन में कोई साक्ष्य प्रस्तुत नहीं की है। मात्र अधिकथित करने के आधार पर यह साबित नहीं होता कि प्राथी से कनिष्ठ श्रमिक दैनिक वेतन भोगी मजदूर के पद पर कार्यरत थे तथा बाद में रामकरण को उसकी जगह दैनिक वेतन-भोगी मजदूर के रूप में रखा गया। अतः प्रस्तुत साक्ष्य के आधार पर प्राथी अप्राथी द्वारा धारा 25(G) और 25(H) के प्रावधानों का उल्लंघन किया जाना साबित करने में असफल रहा है।

प्राथी को हटाने का मामला मार्च, 1978 का है तथा विवाद के न्यायनिर्णय हेतु रेफरेन्स वर्ष 2005 में लगभग 27 साल बाद का है। विवाद उठाने में उक्त असाधारण विलम्ब का कोई कारण नहीं दर्शाया है और बहस के दौरान प्राथी प्रतिनिधि भी इस सम्बन्ध में कोई सन्तोषप्रद कारण दर्शाने में असमर्थ रहे हैं। यद्यपि प्राथी यह साबित करने में सफल रहा है कि उसे अधिनियम की धारा 25F के प्रावधान की अवहेलना करके हटाया गया है पर 27 वर्ष के असाधारण विलम्ब को दृष्टिगत रखते हुए उसे सेवा में पुनः बहाल करने का उचित मामला नहीं है।

प्राथी ने इस बात का कहीं उल्लेख नहीं किया है कि उसे मजदूर के रूप में उस समय क्या मजदूरी मिलती थी? प्राथी की कार्यअवधि सिर्फ 2-6-1977 से 1-3-1978 तक है तथा विवाद उठाने में असाधारण विलम्ब किया है। अतः कार्य की प्रकृति, अवधि व उस समय दिए जाने वाली दैनिक मजदूरी की राशि व विवाद उठाने में विलम्ब को दृष्टिगत रखते हुए तथा समस्त तथ्यों पर समग्र रूप से विचार करते हुए प्राथी श्रमिक को प्रतिकर राशि के रूप में दिलाया जाना ही न्यायोचित होगा।

उपरोक्त विवेचन के आधार पर यह अभिनिर्धारित किया जाता है कि चूंकि प्राथी ने दिनांक 2-6-1977 से 1-3-1978 की अवधि में 240 दिन से अधिक कार्य किया है इसलिए अप्राथी द्वारा दिनांक 2-3-1978 को औद्योगिक विवाद अधिनियम, 1947 की धारा 25F के प्रावधानों की पालना किए बिना सेवा से पृथक् करने का कृत्य अवैध है। परिणामस्वरूप प्राथी श्रमिक अप्राथी से पांच हजार रुपये की राशि बतौर प्रतिकर के रूप में पाने का अधिकार है। तदनुसार पंचाट पारित किया जाता है।

पंचाट की प्रतिलिपि केन्द्रीय सरकार को औद्योगिक विवाद अधिनियम, 1947 की धारा 17(1) के अन्तर्गत प्रकाशनार्थ प्रेषित की जावे।

एन. के. पुरोहित, पीठासीन अधिकारी

नई दिल्ली, 24 अगस्त, 2011

का. आ. 2548.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या 24/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-8-2011 को प्राप्त हुआ था।

[सं. एल-40011/7/2007-आई आर(डीयू)]

जोहन तोपनो, अवर सचिव

New Delhi, the 24th August, 2011

S.O. 2548.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 24/2010) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Department of Post and their workman, which was received by the Central Government on 24-8-2011.

[No. L-40011/7/2007-IR (DU)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 16th August, 2011

PRESENT:

A. N. JANARDANAN, Presiding Officer

Industrial Dispute No. 24/2010

[In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Superintendent of Post Offices and their Workman].

BETWEEN

Sri C. Swami Sundaram ... 1st Party/Petitioner

Vs.

The Senior Superintendent of Post Offices,
Department of Post,
O/o The Superintendent of Post Offices,
Kanyakumari Division, Nagercoil-629001

... 2nd Party/Respondent

APPEARANCES:

For the 1st Party/Petitioner : M/s. S. Jothivani,
Advocates

For the 2nd Party/Management : Sri A. Ashok Kumar,
ACGSC

AWARD

The Central Government, Ministry of Labour vide its order No. L-40011/7/2007-IR (DU) dated 17-5-2010 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is :

"Whether the action of the management of Senior Superintendent of Post Offices, Kanya Kumari Division, Nagercoil in terminating the services of Sri C. Swami Sundaram w.e.f. 30-9-1996 is legal and justified? If not, what relief the workman is entitled to?"

2. After the receipt of Industrial Dispute, this Tribunal has numbered it as ID 24/2010 and issued notices to both sides. Both sides entered appearance through their Advocate and filed their Claim and Counter Statement as the case may be.

3. The contentions in the Claim Statement briefly read as follows :

The petitioner appointed as ED Post Master at Pallam by the Respondent as per letter dated 27-10-1975 w.e.f. 23-7-1975 was made to go on leave in 1985 by Assistant Superintendent of Posts, Sri Sam Daniel to accommodate Mr. A. Somasundaram, whereafter Somasundaram refused to handover charge back. On 14-11-1985 the same Assistant Superintendent of Posts ordered to put-off duty on petitioner for no reason stated. Somasundaram was provisionally appointed on 18-11-1985. On 30-9-1986 Charge Memo was issued to petitioner alleging non-crediting of RD Account and for an enquiry from 12-12-1986 which is in fraudulent cheating. In Criminal Case as CC Nos. 19, 20, 21, 22, 23 & 24 of 1987 he was tried. SSP continued with Rule 8 enquiry which was suspended on 23-3-1990. He was acquitted in CC Nos. 19, 20, 21 and convicted in CC No. 22, 23 and 24 of 1987. By memo dated 4-4-1990 SSP removed him from service. In appeal against CC Nos. 22, 23 and 24 he was acquitted on 24-2-1993. On acquittal setting aside the removal of petitioner from service he was charge sheeted afresh on 10-3-1994, after 10 years. Challenge against Charge Memo was dismissed by Central Administrative Tribunal, Madras. The enquiry held was biased without sufficient opportunity to him for defence and was ex-parte. Dismissal was ordered on 30-9-1986 by SSP, Kovilpatti. Appeal dated 3-1-1997 was rejected on 22-9-1997. The same was the fate to his review which was dated 30-3-1998. His many a representation to various higher-ups were in vain. Charges were that various amounts of deposits accepted by him on

23-7-1975 to 14-11-1985 in RD Account No. 549756 in the name of Kum. J. Sahaya Mary @ Rs. 100 in 18 instances were not credited and thus petitioner misappropriated the amounts as detailed in the Claim Statement under caption "Article I". Thereby he violated Rule 131 of Branch Office Rules (6th Edition) failing in absolute integrity and devotion to duty against Rule 17 of P&T ED Agents (Conduct and Service) Rules, 1964. Under Article II he is alleged of having not credited Rs. 100 each in 18 instances from 23-7-1985 to 14-11-1985 in RD Account No. 549758 in the name of Sri J. Anthony Raj and misappropriated the amounts violating the same rules. Under Article III he was alleged of having kept cash shortage of Rs. 1803.65 on 14-11-1985 violating Rule 11 and Rule 17 as above. Petitioner submitted his defence against the enquiry report on 20-9-1996. In the enquiry principles of natural justice were violated. Petitioner was not supplied with copies of documents or opportunity to inspect the documents. In the absence of proper notice of the enquiry he could not cross-examine the witnesses. He also could not attend the enquiry due to ill-health and financial stringency. He filed bias petition on 10-7-1995 against Enquiry Officer. He would have proved his innocence if sufficient opportunities were afforded. Dismissal is in violation of Section 25F of ID Act and Article 226 of the Constitution. There is unfair labour practice practised on him. On refusal by the Ministry to refer the dispute the reference is got made as per High Court Order in WP 4881 of 2010. Hence the claim for reinstatement with all benefits.

4. Counter Statement contentions briefly read as follows :

On a surprise visit to Pallam Branch Post Office Account with Parakkai Sub-Post Office on 14-11-1985 by Assistant Superintendent of Post Offices a sum of Rs. 1803.65 was found short charged under unclassified payment on 14-11-1985 upon which petitioner voluntarily credited the amount. A further fraud to the tune of Rs. 8,170.20 in 15 Recurring Deposit Accounts came to light. Charge Memo was issued. While so, he was convicted in Criminal Cases and Rule 8 enquiry was suspended. Finalizing the case under Rule 8(a) petitioner was removed from service by SSP on 4-4-1990. Though he was acquitted on appeal by the District Sessions Court, it being on a technical flaw of non-getting of prior sanction for trial in Court he was not exonerated of the charges. Issuing a fresh memo on 11-3-1994 after putting him under off-duty was upheld by the Central Administrative Tribunal in OA No. 863 of 1994 as per order dated 17-7-1995. Petitioner did not avail the ample opportunities to defend the case but

stayed away leading the enquiry to be held ex-parte. Charges were reported to be proved and he was dismissed on 30-9-1996. His appeal was rejected. Revision was also rejected on 30-3-1998. ID raised was after 8-1/2 years. It was the petitioner who nominated A. Somasundaram as his substitute during leave period which was approved by the Assistant Superintendent of Post Offices. On 14-11-1985 when petitioner was put on off-duty A. Somasundaram was provisionally appointed in his place as per rules and procedure. Petitioner filed bias petition and adopted dilatory tactics without attending the enquiry. The bias petition was rejected under a speaking order. He could have attended the enquiry and requested for supply of documents. There was no stay against the enquiry. Appeal and Revision were rejected after careful consideration. There is no violation of natural justice. The claim is to be dismissed.

5. Points for consideration are :

- (i) Whether the termination of the petitioner is legal and justified ?
- (ii) To what relief the petitioner is entitled to ?

6. Evidence consists of the testimony of WW1 and Ex. W1 to Ex. W50 on the petitioner's side and the testimony of MW1 and Ex. M1 to Ex. M11 on the Respondent's side.

Points (i) and (ii) :

7. Heard both sides and perused the written arguments of the Respondent and other records and documents. It is argued on behalf of the petitioner by his learned counsel that the enquiry held was in a biased manner ex-parte without sufficient opportunity to produce documents. There is violation of principles of natural justice. The petitioner was not supplied with the copies of documents or allowed to inspect the documents. He was not allowed to engage a defence assistant. He could not cross-examine the witnesses. Even after a Bias Petition against Enquiry Officer the enquiry was not stayed. His ill-health and financial stringency also prevented him from attending the enquiry. He was not evading the enquiry. Request for supply of additional documents to the petitioner was not considered. He would have proved his innocence if adequate opportunities were afforded. The enquiry was not held in terms of Rule 14 CCS (CCA) Rules.

Unfair labour practice was practiced on him in dismissing him from service. The enquiry was not completed within 180 days as under Gramin Dak Sevak Service Rules. Putting him on off-duty equal to suspension without subsistence allowance is bad in law and is without sanction from higher authorities. Petitioner cannot be

compelled to attend the enquiry in the absence of payment of subsistence allowance.

8. On behalf of the Respondent it is argued by its learned counsel that the petitioner was staying away from the enquiry for no valid reasons in spite of giving ample opportunities. His Bias Petition against the Enquiry Officer was only to delay the proceedings which was rejected after due consideration. Hence the enquiry was to be held ex-parte. For the proved misappropriation of money there is no place for misplaced sympathy.

9. Reliance was placed on the decision of the Apex Court :

In Janatha Bazar (South Kanara Central Cooperative Wholesale Stores Ltd.) & Others Vs. Sahakari Naukarara Sangha and Others (2000-7-SCC-517) wherein the Apex Court held that "where the charge of misappropriation of goods was established in the domestic enquiry, and the delinquent employee was dismissed, held, the Labour Court erred in directing his reinstatement with 25% back wages on the ground that his past record was without blemish – Further held, a proved case of misappropriation does not call for any sympathy".

In another decision in Divisional Controller, KSRTC (NWKRTC) Vs. A.T. Mane (2005-3-SCC-254) it was held that "when an employee is found guilty of misappropriating a corporation's funds there is nothing wrong in the corporation losing confidence or faith in such an employee and awarding punishment of dismissal – In such case there is no place for generosity or misplaced sympathy on the part of the judicial forums and interfering therefor with the quantum of punishment."

10. On an anxious consideration of rival contentions of the parties I am not led to the conclusion that the petitioner has a case for any relief. It is for proved misappropriation of money he was charged for which an enquiry was held. The instances in which petitioner was involved for misappropriation of money are various and petitioner himself was readily re-depositing the amounts found in shortfall and was virtually confessing the misconduct. He was put under suspension and a substitute was engaged in his place. The case of the petitioner that he was being victimized for default of his substitute, Somasundaram though canvassed as a contention is mere an argument without any substance. The enquiry cannot be challenged by the petitioner as being not proper or legal for his own conduct of staying away from it without sufficient reason. The reasons put forth by him are different, mutually discrepant by which he alleges his inability to participate in the enquiry. That he did not get a copy of the documents, services of defence assistant, opportunity of cross-examination of the witnesses, opportunity to pursue the documents etc., are

only bald contentions which have no leg to stand unless it is proved that he was ever ready and willing to participate in the enquiry in all effectiveness. Discernibly he has been avoiding the enquiry for some reason or other. In the absence of stay the enquiry was proceeded with in which the petitioner should have participated to defend the charges. His filing of Bias Petition against the Enquiry Officer seemingly duly considered and rejected thereafter shows another instance at preventing the onward march of the enquiry. When the rules do not provide for payment of subsistence allowance or put-off duty allowance a claim that negation of that is illegal and not valid cannot be sustained. Discernibly the enquiry went well and the same is not open to challenge. The finding entered is also not bad for any reason. The punishment imposed is only to be upheld as just proportionate to the gravity of the offence. Therefore, there is no scope for interfering with the punishment as well. Hence, the punishment is also only to be upheld and the petitioner is therefore not entitled to any relief. However, let the petitioner be paid a sum of Rs. 50,000 (Rupees Fifty Thousand only) by the Management in having to quit the service after putting in more than 10 years of service without any benefits, though it is by way of forfeiture for his own misconduct, which may be something to mitigate his financial stringency, especially in the context of his having had to meet the cost of the proceeding herein/litigation expenses spread over different fora in relation to the same dispute.

11. The reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 16th August, 2011).

A. N. JANARDANAN, Presiding Officer

Witnesses Examined :

For the 1st Party/Petitioner : WW1, Sri C. Swamy Sundaram

For the 2nd Party/Management : MW1, Sri L. Gurusamy

Documents Marked :

From the Petitioner's side :

Ex. No.	Date	Description
Ex. W1	27-10-1975	Letter of Appointment
Ex. W2	14-11-1985	Order of Put Off
Ex. W3	18-11-1985	Order of Put Off
Ex. W4	18-11-1985	Order of provisional appointment
Ex. W5	30-6-1986	Representation submitted by the petitioner
Ex. W6	13-9-1986	Memo of Charges

Ex. No.	Date	Description
Ex. W7	12-8-1988	Judgment in CC No. 21 of 1987
Ex. W8	29-12-1989	Order in CC No. 19 of 1987
Ex. W9	29-12-1989	Order in CC No. 20 of 1987
Ex. W10	4-4-1990	Order of removal from service
Ex. W11	24-2-1993	Judgment in CrI. Appeal No. 3 of 1990
Ex. W12	24-2-1993	Judgment in CrI. Appeal No. 4 of 1990
Ex. W13	30-8-1983	Judgment in CrI. Appeal No. 5 of 1990
Ex. W14	30-8-1983	Representation submitted by the petitioner
Ex. W15	2-3-1994	Opinion offered by the Dt. P. P. Kanyakumari
Ex. W16	11-3-1993	Representation submitted by the petitioner
Ex. W17	10-3-1994	Order setting aside the order of removal
Ex. W18	10-3-1994	Order cancelling the charge sheet
Ex. W19	11-3-1994	II Memo of Charges
Ex. W20	27-4-1994	Office letter
Ex. W21	19-5-1994	Office Order
Ex. W22	13-6-1995	Petition to the Enquiry Officer
Ex. W23	9-8-1995	Order rejecting the Bias Petition
Ex. W24	30-11-1995	Order
Ex. W25	9-1-1996	Order rejecting the Review Petition
Ex. W26	9-1-1996	Order appointing Presenting Officer
Ex. W27	22-2-1996	Review Petition filed by the petitioner
Ex. W28	26-6-1996	Representation requesting supply of copies of the documents
Ex. W29	30-9-1996	Order of dismissal from service
Ex. W30	3-1-1997	Appeal against the order of dismissal from service
Ex. W31	19-11-1996	Office Order
Ex. W32	22-9-1997	Order rejecting the appeal
Ex. W33	31-12-1997	Petition submitted by the petitioner

Ex. No.	Date	Description
Ex. W34	30-3-1998	Order rejecting the Revision Petition
Ex. W35	11-7-2000	Petition submitted by the petitioner
Ex. W36	27-6-2001	Petition submitted by the petitioner
Ex. W37	18-3-2002	Petition submitted by the petitioner
Ex. W38	9-9-2002	Petition before the Distt. Legal Aid Committee, Kanyakumari
Ex. W39	10-2-2003	Petition No. 521 of 2002 before the Distt. Legal Aid Committee, Kanyakumari
Ex. W40	2003	Reply
Ex. W41	18-2-2003	Reply from Kanyakumari Distt. Legal Services Authority
Ex. W42	22-4-1983	Reference from High Court Legal Services Committee
Ex. W43	9-9-2005	Reference from High Court Legal Services Committee
Ex. W44	Feb. 2006	Petition filed under Section 2A of the ID Act
Ex. W45	5-12-2006	Reply
Ex. W46	7-2-2007	Failure report
Ex. W47	16-5-2007	Rejection Order to refer the dispute for Adjudication
Ex. W48	18-3-2010	Order in WP No. 4881 of 2010
Ex. W49	17-5-2010	Order of Reference
Ex. W50	2-6-2010	Notice

From the Management's side :

Ex. No.	Date	Description
Ex. M1	14-11-1985	Shortage of office cash of Sri C. Swamy Sundaram
Ex. M2	23-1-1987	Letter of Inspector of Police, case registered under Cr. No. 25/86 u/s. 409 IPC
Ex. M3	29-12-1989	Copies of Jugement in the Court of Judicial Magistrate No. II, CCIW Camp at Nagercoil in respect of C.C. No. 22/87
Ex. M4	30-9-1986	Memo No. F1/7-1/85-86 issued to Sri C. Swamy Sundaram

Ex. No.	Date	Description
Ex. M5	4-4-1990	Memo No. F1/4-1/85-86
Ex. M6	11-3-1994	Memo No. F1/4-1/85-86 of Charges
Ex. M7	1994	Juegement copy Original Application No. 863 of 1994 filed by Sri C. Swamy Sundaram before the Central Administrative Tribunal, Madras Bench
Ex. M8	30-9-1996	Memo No. SSP/Con-1/96 (Order of Dismissal)
Ex. M9	22-9-1997	Memo No. STB/15-17/97-98 of the DPS (Reply of DPS in the appeal preferred by the delinquent official)
Ex. M10	30-3-1998	Memo No. STB/16-104/97-98 of the Postmaster General (Reply of PMG, Southern Region in the revision petition filed by the delinquent official)
Ex. M11	14-11-1985	Shortage of office cash of Smt. Parparammal

नई दिल्ली, 24 अगस्त, 2011

का. आ. 2549.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार म्यूनिसिपल कॉर्पोरेशन ऑफ दिल्ली के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय नं.-I, नई दिल्ली के पंचाट (संदर्भ संख्या 172/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-8-2011 को प्राप्त हुआ था।

[सं. एल-42025/4/2011-आई आर (डीयू)]

जोहन तोपनो, अवर सचिव

New Delhi, the 24th August, 2011

S.O. 2549.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 172/2011) of the Central Government Industrial Tribunal-cum-Labour Court No. I, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Municipal Corporation of Delhi and their workman, which was received by the Central Government on 24-8-2011.

[No. L-42025/4/2011-IR (DU)]
JOHAN TOPNO, Under Secy.

ANNEXURE

**BEFORE DR. R. K. YADAV, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL NO. 1,
KARKARDOOMA COURTS COMPLEX,
DELHI**

LD. No. 172/2011

Shri Madan Pal through
The Municipal Employees' Union,
Agarwal Bhawan, G T. Road,
Tis Hazari, Delhi-110054

... Workman

Versus

The Commissioner,
Municipal Corporation of Delhi,
Town Hall, Chandni Chowk,
Delhi-110006

... Management

AWARD

1. Madal Pal was engaged as driver on contract basis for a period of six months on 12-8-04 by the Municipal Corporation of Delhi (in short the Corporation). His term of appointment was extendable at the discretion of the Corporation and terminable without assigning any reason. His term of appointment was extended from time to time. His services were disengaged by the Corporation vide order dated 26-4-2007, in accordance with the stipulation contained in appointment letter dated 11-8-04.

2. A dispute was raised by him before the Conciliation Officer on 14-9-2010. Conciliation proceedings failed and conducted on 24-3-2011. On 9-6-2011 an industrial dispute was raised before this Tribunal on behalf of Shri Madal Pal under the provisions of sub-section (2) of Section 2-A of the Industrial Disputes Act, 1947 (in short the Act). Claimant presented that a period of 45 days stood expired from the date of making his application before the Conciliation Officer. According to him, sub-section (2) of Section 2A of the Act empowers him to file a dispute before this Tribunal, without being referred by the appropriate Government. Newly inserted provisions of sub-section (2) of Section 2A of the Act gave a right to the claimant to approach this Tribunal in case of discharge, dismissal, retrenchment or otherwise termination of his service, without a dispute being referred by the appropriate Government under sub-section (1) of Section 10 of the Act.

3. On receipt of notice of the claim, the Corporation filed its written statement, wherein an objection, besides others, was raised to the effect that the claim is barred by provisions of sub-section (3) of Section 2A of the Act. Madal Pal admitted that said fact, in his statement recorded on oath.

4. Provisions of sub-section (2) of Section 2A, which empowers the claimant to approach this Tribunal in case

of discharge, dismissal, retrenchment or otherwise termination of his service, without a dispute being referred by the appropriate Government under sub-section (1) of Section 10 of the Act, are controlled by the provisions of sub-section (3) of the said section. For sake of convenience, those provisions are extracted thus :

“(3) The application referred to in sub-section (2) shall be made to the Labour Court or Tribunal before the expiry of three years from the date of discharge, dismissal, retrenchment or otherwise termination of service as specified in sub-section (1)”.

5. A period of limitation of three years has been engrafted to present a claim under sub-section (2) of Section 2A of the Act. Period of limitation starts on the date of discharge, dismissal, retrenchment or otherwise termination of service of a workman and runs down on expiry of a period of three years thereof. Here in the case it started on 26-4-2007 and came to an end on 26-4-2010. Present dispute was raised before this Tribunal on 9-6-2011, hence it is much belated. The claimant cannot invoke the provisions of sub-section (2) of the Section 2A of the Act, since limitation has run down. His claim is discarded, being barred by time. An award is, accordingly, passed, it be sent to appropriate Govt. for publication.

Date: 10-8-2011

Dr. R. K. YADAV, Presiding Officer

नई दिल्ली, 24 अगस्त, 2011

का. आ. 2550.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार म्यूनिसिपल कॉर्पोरेशन ऑफ दिल्ली के प्रबंधन के संबंध में निम्नलिखित कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, नं.-I, नई दिल्ली के पंचाट (संदर्भ संख्या 170/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-8-2011 को प्राप्त हुआ था।

[सं. एल-42025/5/2011-आई आर (डीयू)]

जोहन तोपनो, अवर सचिव

New Delhi, the 24th August, 2011

S.O. 2550.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 170/2011) of the Central Government Industrial Tribunal-cum-Labour Court No. I, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Municipal Corporation of Delhi and their workman, which was received by the Central Government on 24-8-2011.

[No. L-42025/5/2011-IR (DU)]
JOHAN TOPNO, Under Secy.

ANNEXURE

**BEFORE DR. R. K. YADAV, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL NO. 1,
KARKARDOOMA COURTS COMPLEX,
DELHI**

I.D. No. 170/2011

Sh. Ram Karan through
The Municipal Employees' Union,
Agarwal Bhawan, G. T. Road,
Tis Hazari, Delhi-110054

... Workman

Versus

The Commissioner,
Municipal Corporation of Delhi,
Town Hall, Chandni Chowk,
Delhi-110006

... Management

AWARD

1. Ram Karan was engaged as Chowkidar as leave substitute by the Municipal Corporation of Delhi (in short the Corporation). He was paid minimum wages for actual days of his work. No lien or right would accrue on the post in favour of the employee, who is engaged on a leave substitute, since his appointment was for specific periods, detailed in his respective appointment orders. When regular incumbent joined his duties, services of the claimant could not be availed after 20-11-07.

2. A dispute was raised by him before the Conciliation Officer on 7-9-2010. Conciliation proceedings failed and concluded on 24-3-2011. On 9-6-2011 an industrial dispute was raised before this Tribunal on behalf of Shri Ram Karan under the provisions of sub-section (2) of Section 2A of the Industrial Disputes Act, 1947 (in short the Act). Claimant presented that a period of 45 days stood expired from the date of making his application before the Conciliation Officer. According to him, sub-section (2) of Section 2A of the Act empowers him to file a dispute before this Tribunal, without being referred by the appropriate Government. Newly inserted provisions of sub-section (2) of Section 2A of the Act gave a right to the claimant to approach this Tribunal in case of discharge, dismissal, retrenchment or otherwise termination of his service, without a dispute being referred by the appropriate Government under sub-section (1) of Section 10 of the Act.

3. On receipt of notice of the claim, the Corporation filed its written statement, wherein an objection, besides others, was raised to the effect that the claim is barred by provisions of sub-section (3) of Section 2A of the Act.

4. Provisions of sub-section (2) of Section 2A, which empowers the claimant to approach this Tribunal in case

of discharge, dismissal, retrenchment or otherwise termination of his service, without a dispute being referred by the appropriate Government under sub-section (1) of Section 10 of the Act, are controlled by the provisions of sub-section (3) of the said section. For sake of convenience, those provisions are extracted thus :

“(3) The application referred to in sub-section (2) shall be made to the Labour Court or Tribunal before the expiry of three years from the date of discharge, dismissal, retrenchment or otherwise termination of service as specified in sub-section (1)”.

5. A period of limitation of three years has been engrafted to present a claim under sub-section (2) of Section 2A of the Act. Period of limitation starts on the date of discharge, dismissal, retrenchment or otherwise termination of service of a workman and runs down on expiry of a period of three years thereof. Here in the case it started on 20-11-2007 and came to an end on 20-11-2010. Present dispute was raised before this Tribunal on 9-6-2011, hence it is much belated. The claimant cannot invoke the provisions of sub-section (2) of the Section 2A of the Act, since limitation has run down. His claim is discarded, being barred by time. An award is, accordingly, passed, it be sent to appropriate Govt. for publication.

Date: 5-8-2011

Dr. R. K. YADAV, Presiding Officer

नई दिल्ली, 24 अगस्त, 2011

क्र.आ. 2551.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत संचार निगम लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण एवं श्रम न्यायालय, कोटा के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-8-2011 को प्राप्त हुआ था।

[सं. एल-40012/24/2005-आई आर (डी यू)]

जोहन तोपनो, अवर सचिव

New Delhi, the 24th August, 2011

S.O. 2551.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal-cum-Labour Court, Kota shown in the Annexure in the industrial dispute between the employers in relation to the management of Bharat Sanchar Nigam Limited and their workman, which was received by the Central Government on 24-8-2011.

[No. L-40012/24/2005-IR(DU)]
JOHAN TOPNO, Under Secy.

अनुबन्ध

न्यायाधीश, श्रम न्यायालय/केन्द्रीय/कोटा/राज./

पीठासीन अधिकारी : श्री प्रकाश चन्द्र पगारीया, आर.एच.जे.एस.

निर्देश प्रकरण क्रमांक : श्र. न्या./केन्द्रीय/1/2007

दिनांक स्थापित : 3-2-2007

प्रसंग : भारत सरकार, श्रम मंत्रालय, नई दिल्ली के आदेश संख्या एल-40012/24/2005-आई आर (डी यू) दि. 15-6-2006

निर्देश/विवाद अन्तर्गत धारा 10(1)(घ) औद्योगिक विवाद अधिनियम, 1947

मध्य

बी.एन. उपाध्याय, लाईनमैन

आत्मज श्री रामदुलारे द्वारा भारतीय मजदूर संघ,

डडवाड़ा, कोटा/राज./

... प्रार्थी श्रमिक

एवं

डिस्ट्रिक्ट जनरल मैनेजर,

भारत संचार निगम लिमिटेड,

कोटा/राजस्थान

... अप्रार्थी नियोजक

उपस्थित

प्रार्थी श्रमिक की ओर से प्रतिनिधि : कोई उपस्थित नहीं

अप्रार्थी नियोजक की ओर से : कोई उपस्थित नहीं

अधिनिर्णय दिनांक : 29-7-2011

अधिनिर्णय

भारत सरकार, श्रम मंत्रालय, नई दिल्ली के उक्त प्रासंगिक आदेश दिनांक 15-6-2006 द्वारा निम्न निर्देश/विवाद, औद्योगिक विवाद अधिनियम, 1947 (जिसे तदुपरान्त "अधिनियम" से सम्बोधित किया जाएगा) की धारा 10(1)(घ) के अन्तर्गत इस न्यायालय को अधिनिर्णयार्थ सम्प्रेषित किया गया है :

"Whether the claim of Shri B. N. Upadhyaya, Lineman S/o Shri Ram Dulare, Telecom Deptt., BSNL, Kota for Rs. 11,317 on account of payment for overtime allowance-cum-effective leave is justified ? If yes, to what relief the workman is entitled to ?"

2. निर्देश/विवाद, न्यायालय में प्राप्त होने पर पंजीबद्ध उपरान्त पक्षकारों को सूचना विधिवत् रूप में जारी कर अवगत करवाया गया ।

3. आज प्रार्थी श्रमिक की ओर से कोई प्रतिनिधि उपस्थित नहीं है, ना ही प्रार्थी श्रमिक स्वयं उपस्थित है । अप्रार्थी प्रबन्धन जिला महाप्रबन्धक, भारत संचार निगम लिमिटेड, कोटा की ओर से भी ना तो कोई प्रतिनिधि उपस्थित है और ना ही कोई प्रभारी अधिकारी उपस्थित है ।

4. प्रकरण में क्लेम स्टेटमेंट का जवाब भी पेश नहीं हुआ है, जबकि दिनांक 6-10-2007 के बाद से ही पत्रावली क्लेम स्टेटमेंट के जवाब के सम्बन्ध में चल रही है । अतः तीन वर्ष का समय करीबन जवाब पेश करने में निकल चुका है और आज तक जवाब पेश नहीं हुआ है । आज अप्रार्थी की ओर से कोई उपस्थित नहीं होने व ना ही जवाब पेश होने से अप्रार्थी के जवाब पेश करने का अधिकार बन्द किया जाता है ।

5. आज प्रार्थी श्रमिक की ओर से भी ना तो प्रार्थी स्वयं उपस्थित है और ना ही उसके कोई अधिकृत प्रतिनिधि उपस्थित है, अतः ऐसी परिस्थिति में दोनों ही पक्षकारों के अनुपस्थित होने से मामले में कोई कार्यवाही किया जाना सम्भव नहीं है एवं न्यायालय पक्षकारों की दया पर ही कार्य करने को मजबूर नहीं है । यदि कोई पक्षकार न्यायालय से कोई अनुतोष चाहता है तो उसे उपस्थित होकर अपना पक्ष न्यायालय के समक्ष रखना होगा । बिना किसी पक्षकार की उपस्थिति के न्यायालय किसी भी मामले को अनावश्यक रूप से अनिश्चित काल तक लंबित नहीं रख सकेगा ।

परिणामस्वरूप भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा अधिनिर्णयार्थ सम्प्रेषित निर्देश/मामला जोकि प्रार्थी श्रमिक बी. एन. उपाध्याय, लाईनमैन, दूर संचार विभाग, कोटा के ओवरटाइम एलाउन्स की राशि रु. 11,317 बाबत किया गया था, उसे अदम हाजिरी व अदम पैरवी में बिना किसी निष्कर्ष के निस्तारित कर इसी अनुरूप उत्तरित किया जाता है ।

प्रकाश चन्द्र पगारीया, न्यायाधीश

नई दिल्ली, 26 अगस्त, 2011

क्र.आ. 2552.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 22/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-8-2011 को प्राप्त हुआ था ।

[सं. एल-22013/1/2011-आई आर (सी-II)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 26th August, 2011

S.O. 2552.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad (CGIT/LCID/22/2008) as shown in the Annexure in the industrial dispute between the employers in relation to the management of SCCL and their workman, which was received by the Central Government on 26-8-2011.

[No. L-22013/1/2011-IR(C-II)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD****PRESENT :**

Shri Ved Prakash Gaur, Presiding Officer

Dated, the 8th day of July, 2011

Industrial Dispute L.C. No. 22/2008

BETWEEN :

Sri Mohd. Arif Pasha,
S/o Ameeruddin,
R/o Quarter No. 1, ST 2/1,
Bus Stand Colony, Godavarikhani,
Karimnagar District ... Petitioner

AND

1. The General Manager,
M/s. Singareni Collieries Company Ltd.,
Ramagundam Area-1, 6-B,
Godavarikhani, Karimnagar District
2. The Colliery Manager,
M/s. Singareni Collieries Company Ltd.,
Ramagundam Area-1, 6-B,
Godavarikhani, Karimnagar District
... Respondents

APPEARANCES :

For the Petitioner : M/s. S. A. K. Mynoddin and
D. Kasim Saheb, Advocates

For the Respondent : Sri S. M. Subhani, Advocate

AWARD

This petition under Sec. 2A (2) of the I.D. Act, 1947 has been filed by Sri Mohd. Arif Pasha, ex. Employee of M/s. Singareni Collieries Company Ltd.

2. It has been alleged that the Petitioner was appointed as casual worker in 1976 and was promoted as coal cutter on 11-9-1978 and after passing the statutory Examination held by Central Government Statutory examination as a Shot Firer and he was promoted as Shot Firer on 31-12-1987. He suffered ill-health and could not attend to duties regularly as such, he was dismissed on 26-4-2004. The Petitioner absented for reasonable cause. He has already put in 28 years of service, He was entitled for casual, medical and earned leave which was available to the Petitioner for the period he remained absent but, without considering the number of days leave credited to the Petitioner's account he was dismissed from the service. The order of dismissal is without application of the mind. No reasonable opportunity was given to the Petitioner

during enquiry proceeding. Witnesses were not examined in the presence of the Petitioner. Enquiry was not conducted in fair and proper manner. He was awarded two punishments for a single misconduct against the principles of natural justice. The Petitioner has prayed for setting aside the dismissal order and to reappoint the Petitioner as Shot Firer with consequential service benefits.

3. The Respondent has filed counter statement alleging therein that Petition has been filed after lapse of 3 years and 9 months and is barred by limitation. The Petitioner was unauthorizedly absent and habitual late attendant. He was issued with the charge sheet. Enquiry was conducted in the matter to which the Petitioner pleaded guilty. Petitioner's contention that he was regular to his duty is not correct. In the year 1999 he attended for 222 days, in 2000 for 155 days in 2001 for 200 days, in 2002 for 24 days and in 2003 for 37 days. The management has made arrangement for medical help of employees. There is provision to refer the critical cases to Osmania General Hospital, Gandhi Memorial Hospital and NIMS. The Petitioner has not taken treatment from any of the recognized medical institutions. He did not inform the management regarding his ill-health. He is not entitled for any relief and hence the petition be dismissed.

4. Both the parties have filed their evidences. Earlier Petitioner has challenged the legality and validity of domestic enquiry. This question was decided by order dated 21-1-2011 and this Tribunal was of the opinion that the domestic enquiry conducted by the management was legal and valid.

5. Both the parties were heard under Sec. 11A of the Industrial Disputes Act, 1947.

6. It has been argued by Learned Counsel for the workman that the workman has put in 28 years of service in Respondent's organization. No doubt, he remained absent during the year 2002. He could not attend to his duties due to his ill-health. He was having sufficient number of medical leave, earned leave and other leave with and without pay which could have been adjusted against the number of days Petitioner remained absent. But management has not taken into consideration this aspect of the matter. Had it been taken into consideration, the Petitioner would not have been dismissed from the service. Not only that Petitioner has put in 28 years of service, he has no adverse remarks against him during all those days. In that case, some lenient punishment could have been given to the Petitioner, so that he would not have been forced to come to streets and crave for the maintenance of his family and children. His only contention is that in the matter of the punishment some lenient attitude should have been adopted, Petitioner submitted several medical certificates before the Enquiry Officer and to his superiors that he remained absent due to jaundice and he could not attend to his duty because

he was not keeping good health which has not been considered.

7. Against this argument of the Learned Counsel for the worker, Learned Counsel for the Respondent has argued that the Petitioner did not submit any medical certificate/paper regarding his ill-health during the enquiry proceeding. He has produced certain xerox copies of alleged medical certificates along with the claim statement, before this Tribunal as such, there was no occasion for considering these papers by the Enquiry Officer. The Petitioner did not state before the Enquiry Officer from which disease he was suffering. For a moment if it is presumed that Petitioner was suffering from ailment and he used to visit the Doctor why he did not inform his own superior regarding his illness or his inability to attend to his duty. Petitioner not only remained absent for any reasonable cause but he did not inform to his superiors regarding his inability to attend his duty. Thus, he has committed misconduct under Sec. 25.5 of the Standing Orders of the company and management has not committed any illegality in dismissing the services of the Petitioner.

8. I have considered the above argument. This Tribunal has to consider as to :

(I) Whether the action of the management in dismissing the services of the Petitioner is legal and justified ?

(II) To what relief if any the Petitioner is entitled ?

9. **Point No. (I) :** It is alleged by the Petitioner worker that he neither absented without any reasonable cause nor he was absent for any insufficient reason. He has alleged that during the period of absence he remained sick and this fact was stated before the Enquiry Officer who did not consider his submission nor the Enquiry Officer considered the documents and medical certificates produced by the Petitioner worker. The services of the Petitioner were terminated or dismissed without application of the mind and the finding of the Enquiry Officer was perverse. It was a lopsided enquiry. The Petitioner's submission and the documents were not considered by the Enquiry Officer and thus, the order dated 22-4-2004 dismissing the Petitioner from 26-4-2004 is illegal and fit to be quashed.

10. Against this argument the Learned Counsel for the Respondent has argued that during enquiry proceeding Petitioner has not submitted any document to prove that he was sick during the Petitioner of his absence, because the charge sheet was issued to the Petitioner worker but he did not reply or file any explanation against the charge sheet issued to him. This fact is established by management during enquiry proceeding on 25-7-2003. Enquiry officer has queried from the charge sheeted employee regarding the receipt of the charge sheet and submission of explanation. To this question the charge sheeted employee has answered that he has received the charge sheet but

did not submit any reply to charge sheet. Management has produced Mr. M. Sanjeeva Rao, POA and Mr. A. Purushotham PSC to prove that Petitioner worker remained absent. During his cross-examination before the Enquiry Officer the charge sheeted employee has stated that he was suffering from jaundice due to which he could not attend to his duties. The worker has admitted that he has put in only 24 musters in the year 2002. He has further stated that he remained absent to duty without any leave of sufficient cause. He has further stated that it was his mistake to remain absent and he assured that he will be punctual and regular to his duties in future. The statement of the workman given before the Enquiry Officer does not prove that workman has submitted any medical proof before the Enquiry Officer to substantiate his contention that he was suffering from jaundice as such, the absence of Petitioner was without any reasonable or sufficient cause.

11. Learned Counsel for the Petitioner workman has further argued that the Petitioner worker submitted several medical certificates before the Enquiry Officer which was not considered. However, the statement of petition during course of the enquiry either proved production of any medical certificate or that Petitioner submitted any medical certificate. Learned Counsel for the Respondent has vehemently argued that the attendance sheet of the Petitioner worker for the year 2002 proves that Petitioner remained absent for entire month of May, June, July to December. In April, 2002 Petitioner remained absent from 7th to 10th and again from 16th to 20th, in the month of March, he remained absent on 10th and 18th to 26th. Only in the month of January, he did not absented for a single day. In February, he absent on 13th to 22nd and again on 27th. This material fact was proved before the Enquiry Officer. Even if it is assumed for a moment that the Petitioner was suffering from the ailment of jaundice, the Petitioner was not able to prove by filing any paper in support of his contention. He has filed xerox copies of the medical certificates before this Tribunal which is for the period from 19-4-2002 to 18-8-2002, wherein Petitioner is said to be suffering from 'acid peptic disorder and LBA'. He has filed another xerox copy of medical certificate dated 19-8-2002 to 18-10-2002, during that period also the Petitioner is said to be suffering from 'acid peptic disorder and the LBA'. He has again filed xerox copy of the medical certificate for three months wherein it has been mentioned that he is suffering from 'infective Hepatitis and Jaundice'. Medical certificate prove that worker was treated as out door patient. All these medical certificates which has been produced before the Tribunal were neither produced before the Enquiry Officer nor it was stated by the Petitioner workman that he will be producing any medical certificate to prove his reason of absence as such, non-consideration of these documents cannot be said to be fatal during enquiry proceeding because the documents were not produced by the Petitioner worker before the Enquiry

Officer, the Enquiry Officer has no occasion to consider these documents as such, it cannot be said that the finding of the Enquiry Officer is perverse.

12. I have considered the above argument of both the counsels and I have also gone through the entire domestic enquiry or domestic enquiry proceedings which prove that though the Petitioner received charge sheet he did not submit any explanation to the charge sheet. Witnesses were produced before the Enquiry Officer in the presence of the Petitioner, he has cross-examined them and examined himself in the defence. But during course of his examination also Petitioner did not state before the Enquiry Officer as to from which Doctor he has taken the treatment or that he is producing the medical certificates issued by the Doctor. He did not state before the Enquiry Officer that he was suffering from any peptic stomach disorder during the period of his absence. He stated before the Enquiry Officer that he was suffering with ailment of Jaundice. The documents produced before this Tribunal in form of xerox copies of medical certificates to show that the Petitioner remained sick due to Jaundice is for three months. Why he remained absent for other four months has not been explained by the Petitioner. Even if it is presumed that the Petitioner remained absent due to his illness, why he did not inform his superiors regarding his absence and regarding his illness has not been explained by the Petitioner workman in his claim statement. Documents produced by the Petitioner show that Petitioner has visited his Doctor several times at Warangal and if Petitioner was able to travel upto Warangal and visit his Doctor, he could have very well gone to the post office or the telegraph office to inform his superiors about his illness or reason of his absence. But the Petitioner has not taken any pain and care to inform about his absence to his superiors. This prove that the Petitioner was a careless and negligent worker. He did not even inform his superiors nor he filed any document before the Enquiry Officer to substantiate his illness as such, it cannot be said that the Petitioner's absence was for any reasonable and valid cause or that the finding of the Enquiry Officer was perverse and Enquiry Officer has not applied his mind to arrive at the conclusion regarding proof of the charges against the Petitioner. From the evidence available on the record this Tribunal is of the opinion that Petitioner has not produced the original medical certificate before this Tribunal also nor he has proved these medical certificates either by producing the medical practitioner before this Tribunal or before the Enquiry Officer, or by filing any affidavit in support of proof of the documents. As such, this Tribunal is of the opinion that Petitioner worker was absent from duty without any reasonable cause, the cause shown by Petitioner worker appear to be concocted one because it was not supported with evidence.

13. It has been argued by the Learned Counsel for the Petitioner that no notice was given to the Petitioner

before imposing punishment on him as such, the punishment imposed upon the Petitioner is illegal. Learned Counsel for the Respondent has argued that the copy of finding of the Enquiry Officer and along with show cause notice were sent to the Petitioner vide letter dated 29-9-2003 which was received by the Petitioner and he has submitted his explanation against that show cause notice vide his letter dated 5-12-2003 as such, it cannot be said that the show cause notice was not given to the Petitioner.

14. I have considered this argument. There is show cause notice dated 29-9-2003 addressed to the Petitioner worker from Chief General Manager, Ramagundam Area-1 stating therein that the finding of the Enquiry Officer is enclosed for the perusal and explanation of the Petitioner. Against which the Petitioner has addressed his letter dated 5-12-2003 to the Chief General Manager enclosing his explanation wherein he has written that a xerox copy of the medical certificate is being attached. This further prove that no medical certificate was produced by the Petitioner during course of enquiry proceeding. There is letter of Petitioner but no medical certificate of the alleged Doctor is attached with it. This explanation was considered by the Chief General Manager and after considering the explanation of the Petitioner he has passed the order of dismissal as such, no fault can be find in the order of Disciplinary Authority because the order of punishment has been passed after giving show cause notice to the Petitioner as such, the case law relied upon by the Learned Counsel for the worker reported in 1996 (4) ALD page 641 Division Bench in the matter of D.S.P. Rao vs. APSRTC, Hyderabad is not applicable in the present case. No other point was argued or raised by Learned Counsel for the worker as such, this Tribunal is of the opinion that Petitioner worker was absent from duties without any sufficient cause or reason of absence. He remained absent for more than 8 months. He has put in only 24 musters during the year 2002 and did not inform his superiors as such, the punishment of dismissal imposed by the management cannot be said to be either excessive or disproportionate. The punishment is legal and valid. Point No. (I) is decided accordingly.

15. Point No. (II) : Petitioner was not able to prove that the finding of the Enquiry Officer was perverse or without any application of mind or without consideration of the evidence or that the absence of the Petitioner was for any reasonable and sufficient cause. He has not been able to prove that the punishment imposed on the Petitioner was excessive or disproportionate as such, this Tribunal has come to the conclusion that Petitioner is not entitled for any relief though the Petitioner has put in 28 years of the service but in the year 2002 he did not prove his sincerity and punctuality to his duty. He remained absent without any reasonable cause and that too without information to his superiors as such, there is no ground to

interfere with the punishment imposed by the management and Petitioner is not entitled for any relief. Petition deserves to be dismissed. Point No. (II) is decided accordingly.

16. On the careful consideration of the entire material before this Tribunal, this Tribunal is of the opinion that Petitioner is not entitled for any relief. His dismissal order is legal and valid. Petition deserves to be dismissed and hence, this award.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 8th day of July, 2011.

VED PRAKASH GAUR, Presiding Officer

Appendix of Evidence

Witnesses examined for
the Petitioner

NIL

Witnesses examined for
the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 26 अगस्त, 2011

क्र.आ. 2553.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 133/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-8-2011 को प्राप्त हुआ था।

[सं. एल-22013/1/2011-आई आर (सी-II)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 26th August, 2011

S.O. 2553.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad (CGIT/LCID/133/2003) as shown in the Annexure in the industrial dispute between the employers in relation to the management of SCCL and their workman, which was received by the Central Government on 26-8-2011.

[No. L-22013/1/2011-IR(C-II)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT:

Shri Ved Prakash Gaur, Presiding Officer

Dated, the 28th day of June, 2011

INDUSTRIAL DISPUTE No. L.C. 133/2003

BETWEEN:

Sri Eda Chakrapani,
S/o Rajam,
R/o B-46, Ex-servicemen Colony,
Fertilizer City,
Ramagundam-505 210

... Petitioner

AND

The General Manager,
The Singareni Collieries Co. Ltd.,
Mandamarri Area, Kalyani Khani,
PO. Bellampally, Adilabad Dist.

... Respondent

APPEARANCES:

For the Petitioner : M/s. A. K. Jayaprakash Rao,
K. Srinivas Rao, P. Sudha,
T. Bal Reddy, M. Govind,
N. Sanjay and K. Ajay Kumar,
Advocates

For the Respondent : M/s. P.A.V.V.S. Sarma and
P. Vijayalaxmi, Advocates

AWARD

This case has been filed by Petitioner Sri Eda Chakrapani, Ex-employee of M/s. Singareni Collieries Company Ltd., under Sec. 2A(2) of the I.D. Act, 1947.

2. The brief facts of the petition are : That the Petitioner joined the services of the Respondent Company on 31-1-1991 as temporary tunnel mazdoor under compassionate appointment consequent to the death of his father and thereafter he was appointed as Badli Filler in 1993 and in the year 1995 he was promoted as coal filler. The Petitioner submits that ever since the date of joining the service, he has put in unblemished record of service.

3. While he was working under the control of Colliery Manager, Kasipet Mine he was issued with charge sheet dated 4-5-2000, alleging that the Petitioner was habitual late attendance and absented for duties. The Petitioner stated that he has submitted the explanation. Although he was suffering with Jaundice, he was forced to remain absent from duties. On that an enquiry was conducted and he was made to sign on the papers without knowing the contents. Hence, the Petitioner may be

reinstated with back wages and the removal order dated 21-4-2001 w.e.f. 28-4-2001 may be quashed.

4. Counter was filed alleging therein that he was habitually coming late and he was issued with charge sheet on 4-5-2000 alleging habitual late attendance and absence from duty. His contention that he was suffering from Jaundice is not correct. Enquiry was properly conducted, the Petitioner was given full opportunity and the enquiry was conducted properly. In fact the Petitioner has submitted his representation dated 16-12-2000 assuring that he would put in 22 filling musters every month. He was given 3 months time to improve his attendance and performance which was as follows :

Month and Year	No. of days Mine worked	No. of days worker worked on		Tubs filled	Leaves	Absence
		Filling	Acting			
January, 2001	26	03	14	5½	—	09
February, 2001	24	02	09	2½	09	04
March, 2001	26	07	03	11	06	10
Total	76	12	26	19	15	23

Therefore, he deserves no sympathy and the absenteeism may not be condoned.

5. In this matter domestic enquiry was conducted before the imposition of the punishment on the Petitioner which has been challenged by the Petitioner through the claim petition. My Learned Predecessor has heard both the parties on the question of legality and validity of domestic enquiry and by his order dated 12-11-2003 he concluded that the domestic enquiry conducted by the Department was legal and valid and posted the matter for argument under Sec. 11A of the Industrial Disputes Act, 1947.

6. My Learned Predecessor heard parties and he passed an award dated 31-3-2004 which was challenged by both the parties before Hon'ble High Court of A.P., Hyderabad by way of WP No. 18773/2004. During course of argument in the said writ petition both the parties requested before Hon'ble High Court of A.P., Hyderabad that the award be set aside and matter be remanded back to this Tribunal for passing fresh award. After hearing both the parties and considering arguments advanced by the parties' counsels, Hon'ble High Court of A.P., Hyderabad by its order dated 4-4-2006 remanded the matter to this Tribunal for passing appropriate and reasoned award.

7. Both the parties relied on the evidence already adduced by them before this Tribunal. They were heard under Sec. 11A of the Industrial Disputes Act, 1947. On the basis of the arguments this Tribunal has to consider :

- (I) As to whether the absence of the Petitioner was for any sufficient and reasonable cause or not ?
- (II) Whether the punishment imposed by the management is disproportionate to the misconduct committed by the Petitioner and
- (III) To what relief if any the Petitioner workman is entitled ?

8. Point Nos. (I) and (II) : Both these points are interconnected to each other as such, they are decided together with. It has been alleged that Petitioner remained absent for more than six months from 1-6-1999 to 31-12-1999 without any reasonable cause and without any information being given to their superior authority. A charge sheet was issued to the Petitioner and he was asked to explain his conduct on the question of his absence from duty. The Petitioner has submitted his explanation in which he stated that he remained sick during the period and that was the reason that he could not attend to his duties nor he could inform his superiors. Not satisfied with the answer of the Petitioner, enquiry was ordered and was conducted in which Petitioner participated. The management has examined Mr. B. Eylaiiah, O.S., and Mr. P.V.S. Subba Raju, P.O.A. and Mr. Abdul Aleem, Clerk who deposed before the Enquiry Officer that the Petitioner workman remained absent in the year 1999 for 30 days in June, 31 days in July, 31 days in August, 30 days in September, 31 days in October, 30 days in November, and from 1st to 18th, 27th to 31st of December. They further deposed that no information was sent by the Petitioner workman to his superiors regarding his absence. The Petitioner examined himself as defence witness where he deposed that "I accept it as a fact that I remained habitually absent from duty on the dates mentioned in the charge sheet." He further stated that, "I accept that it was my mistake to remain absent like this." He further accepted that he pleads guilty of the charges. He stated that he remained absent due to ill-health and now his health has improved. He has assured that in future he will be careful and will not commit any absence. It was asked from him by the Presenting Officer that "whether he want to add any more evidence or statement or document in support of his statement". Petitioner workman replied in negative. He did not produce any medical certificate though in his reply he stated that he has come with a medical certificate, but did not produce medical certificate before the Enquiry Officer. In that event the Enquiry Officer was constrained to come to the conclusion that the Petitioner workman was absent for more than six months without any reasonable or sufficient cause and no fault could be find in the conclusion arrived at by the Enquiry Officer.

9. It has been argued by the Learned Counsel for the Petitioner before Hon'ble High Court that this Tribunal has not considered the documentary evidence produced by the Petitioner before this Tribunal. I have

considered those documents which were filed by the Petitioner before this Tribunal along with his claim statement. The Petitioner has filed xerox copy of Form-A alleged to be dated 10-12-1999 wherein it has been mentioned that, "E. Chakrapani was under the treatment of the alleged Doctor w.e.f. 1-6-1999 to 10-12-1999 and he is fit to resume duty from 11-12-1999". This medical certificate has not been proved either by the Petitioner through his affidavit or by producing the medical officer who is said to have issued the certificate. Not only that the certificate produced by the Petitioner is a xerox copy but original certificate has not been produced by the Petitioner workman. If this certificate was available with the Petitioner why he did not produce it before the Enquiry Officer has not been explained by the Petitioner. This prove that the alleged xerox copy of this medical certificate is not a genuine document. Apart from this medical certificate Petitioner has filed several orders and certificates to prove that he is a member of Bharat Scouts and Guides, and he has participated in several social activities as social worker of the Bharat Scouts and Guides Institution, but these documents are not relevant for proving that the Petitioner's absence during 1-6-1999 to 31-12-1999 was for any reasonable and sufficient cause. Moreover, these documents does not disclose that Petitioner has participated in any social service for which he was relieved from the Department nor it prove that during the period of absence the Petitioner has participated in any social activity. Thus, all these documents which are said to have not been considered by the previous Presiding Officer are not relevant for the purpose of this case. No other documents or evidence in any form has been produced by Petitioner workman to prove that his absence from 1-6-1999 to 31-12-1999 was for any reasonable and sufficient as such, there is no ambiguity or perversity in the finding of the Enquiry Officer.

10. The Disciplinary Authority has considered the finding of the Enquiry Officer and the Disciplinary Authority came to the conclusion that Petitioner is not a sincere worker. He is negligent towards his duties though he was appointed on compassionate grounds. He did not care to be vigilant towards his duties and his responsibility towards his family members. Even in the case the Petitioner was sick it was desirable from him that he should inform the superior authority regarding his absence but he has not taken any step to inform superiors regarding his absence from the duty. Not only that the document produced by the Respondent management show that Petitioner was declared fit to resume duty from 11-12-1999 but Petitioner workman did not join his duty either on 11-12-1999 or on 12th December, 1999. The charge sheet and statement of the management witnesses prove that Petitioner joined the duty on 19th December, 1999 and again absented himself from 29th to 31st December, 1999. This amply proves that the Petitioner was not a sincere worker. He is a careless and indisciplined worker as such,

the management has not committed any excess in dismissing the Petitioner from service on the ground of his habitual absence from duty. The punishment imposed by the management is in proportion to the mistake or misconduct committed by the Petitioner workman. Point Nos. (I) and (II) are decided accordingly.

11. Point No. (III) : From the discussion of Point Nos. (I) and (II) this Tribunal is of the opinion that management has not committed any mistake, has not imposed disproportionate punishment and no interference is warranted in the case of the Petitioner workman. Petitioner does not deserve any sympathy or leniency in the matter of punishment. He is not entitled for any relief. Point No. (III) is decided accordingly.

12. As discussed above, Petitioner is not entitled for any relief. Petition deserves to be dismissed and it is dismissed. Hence, this award.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her and corrected by me on this the 28th day of June, 2011.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for
the Petitioner

NIL

Witnesses examined for
Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 26 अगस्त, 2011

का. आ. 2554.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 98/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-8-2011 को प्राप्त हुआ था।

[सं. एल-22013/1/2011-आई आर (सी-II)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 26th August, 2011

S.O. 2554.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad (CGIT/LCID/App. 98/2005) as shown in the

Annexure in the industrial dispute between the employers in relation to the management of SCCL and their workman, which was received by the Central Government on 26-8-2011.

[No. L-22013/1/2011-IR (C-II)]
D. S. S. SRINIVASARAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT:

Shri Ved Prakash Gaur, Presiding Officer

Dated the 15th day of July, 2011

Industrial Dispute L.C. No. 98/2005

BETWEEN:

Sri P. Narahari Krishna,
S/o Rajaiah,
R/o Quarter No. 33, CCC Township,
Via Mancherla, Adilabad District ... Petitioner

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Sree Ram Pur Area,
Adilabad District ... Respondent

APPEARANCES :

For the Petitioner : Sri N. Vinesh Raj, Advocate
For the Respondent : Sri P.A.V.V.S. Sarma & Vijaya
Laxmi Panguluri, Advocate

AWARD

Sri P. Narahari Krishna has filed this petition challenging the dismissal order dated 17-7-2004 under Sec. 2A(2) of the I.D. Act, 1947 with a prayer that said order be quashed and Petitioner workman be reinstated with full back wages.

2. Petitioner has alleged in his claim statement that the Petitioner was working as badli filler in Ravindrakahani 5 incline where he was exposed to the gas emissions in the mine and heavy work load due to which he suffered ill-health. In the year 2003 he was served with a charge sheet No. SRP/RK5/R/008/1315 dated 1/5-4-2003 alleging therein that the Petitioner unauthorizedly absented from work without reasonable cause, to this charge sheet, Petitioner submitted his explanation stating therein that he was not unauthorizedly absent but he was absent due to his sickness. The cause of which was working condition in the mine, this material fact was not considered by the concerned authority and the authority mechanically decided to conduct of enquiry and appointed the Enquiry Officer.

3. Enquiry was conducted in most unfair and biased manner. The Petitioner was made to sign on the already printed papers by Enquiry Officer and Petitioner was made to believe that enquiry was only a routine procedure and no harm or loss will be caused to the Petitioner. Petitioner was not allowed to read the papers. Material witnesses were not produced in the enquiry proceeding in the presence of the Petitioner, nor Petitioner was afforded opportunity to cross examine them. The Enquiry Officer took material papers from Petitioner i.e., hospital receipts, sickness certificates and assured the Petitioner that Petitioner was absent for reasonable cause and he will give his finding accordingly, but to the utter surprise of the Petitioner the Enquiry Officer did not mention the papers submitted and received from the Petitioner in his enquiry report. Enquiry was conducted in violation of principles of natural justice and report was biased, unjustified, devoid of merit and material. On the basis of the enquiry report the Petitioner was terminated from service vide order dated 19-7-2004. It was the duty of the Respondent to verify from the company's hospital regarding the sickness of the Petitioner which would have proved the bonafide of the Petitioner. The punishment imposed by the Respondent management is disproportionate without considering the material facts and evidence and hence it is illegal, excessive and without application of mind and deserves to be quashed.

4. Respondent has filed counter statement stating therein that the Petitioner was an unauthorized absentee. His case does not come within the purview of Sec. 2A(2). Petitioner remained absent for a long period which was considered by the management and it was proper on the part of management to dismiss the services of the Petitioner. The Petitioner joined services as coal filler, he was never exposed to the gas emission in the mine or heavy load of work which caused sickness to the Petitioner. It is the duty of the badli filler to lift the coal and fill in the tubs in the mine. The coal filling work is a group work, it is not an individual work. Had there been any gas emission in the mines Petitioner alone would not have suffered but all the members of the group would have suffered from the gas emission. The Petitioner's attendance in the previous year was also not satisfactory. He has put in only 41 musters in the year 2000, 35 musters in 2001, 66 musters in 2002 and 19 musters in 2003. This prove that the Petitioner was habitual absentee. The charge sheet dated 1/5-4-2003 was issued to the Petitioner under clause 25.25 of the Company's Standing Orders to which the Petitioner submitted his explanation on 8-5-2003 which was not satisfactory and enquiry was ordered. During the year 2004 Petitioner put in only 'Nil' musters. Petitioner was afforded sufficient, fair and proper opportunity to present his case during enquiry. He has cross examined the management witnesses and produced his own witnesses. The entire enquiry proceeding was held in the language known to the Petitioner, every procedure was explained to him in Telugu language as such, there is no question of bias or unfairness on the part of the

management. The principles of natural justice were followed during course of enquiry. Petitioner never informed regarding his sickness nor he produced any medical certificate. A sick certificate was produced during course of enquiry and on the verification it was found that the sick certificate produced by the Petitioner does not pertain to the period he was charge sheeted, as such, the Enquiry Officer has given finding that the charges against the Petitioner were not proved. Petitioner never informed the Respondent though it was his duty to inform regarding his absence. There is no force in the petition and deserves to be dismissed.

5. Both parties produced their evidence. Petitioner worker has challenged legality and validity of domestic enquiry as such, that question was determined by this Tribunal as a preliminary point. Petitioner did not challenge the legality and validity of domestic enquiry as such, on 11-2-2009 it was held to be legal and valid and case was posted for argument under Sec. 11A of Industrial Disputes Act, 1947.

6. On the date of hearing the Petitioner remained absent and case was posted for orders but order could not be passed due to pre-occupation of the Presiding Officer. The case was again posted for argument on 15-7-2011. Workman again remained absent and did not appear before this Tribunal nor his counsel appeared before this Tribunal hence, Respondent's counsel was heard.

7. This Tribunal has gone into the contents of the claim statement, counter statement and evidence produced by both the parties. This Tribunal has to consider the following points :

- (I) Whether the action of the management in dismissing the services of the Petitioner on the ground of absenteeism is legal and justified or not ?
- (II) To what relief if any the Petitioner worker is entitled ?

8. Point No. (I) : The charge sheet dated 1/5-4-2003 clearly speaks about the absence of Petitioner worker in the year 2002 and from the charge sheet it reveals that Petitioner remained absent in almost each and every month in the year 2002. It has been mentioned in the charge sheet that he put in only 41 musters in 2000, 35 musters in 2001 and 66 musters in 2002. He was asked to explain the reason for his absence in the year 2003 as well as in the previous years. The Petitioner submitted his reply dated 8-12-2003 wherein he has mentioned that due to physical illness he could not put in sufficient musters. He has submitted his sick slip for the year 2002. No reply was given by the Petitioner for the previous years viz., 2000, 2001 and 2002. But the Petitioner along with his explanation submitted certain xerox copies of fit certificates which pertains to 12-12-2001 to 15-12-2001, 8-4-2002 to 23-4-2002, 9-5-2002

to 1-6-2002, 30-5-2002 to 6-6-2002, 11-9-2002 to 14-9-2002 and 22-10-2002 to 26-10-2002, in all these sick certificates Petitioner is said to be normal sick. On three occasions the Petitioner is said to be suffering from loose motions, however on two occasions he is said to be suffering from viral fever, PUO on one occasion that was for three days. He has again filed sick slip for 4-1-2002 to 12-1-2002 and 9-5-2002 to 30-5-2002, all these sick certificates have been considered by the Enquiry Officer who has given cogent finding that for the period the Petitioner has submitted sick certificate he was not charge sheeted. Thus, the contention of the Petitioner that sick certificates submitted by him was not considered by the Enquiry Officer is not correct. I have considered all these material papers and statement of the Petitioner, workman during enquiry proceeding wherein the Petitioner worker has stated that he remained absent habitually in the year 2002. He further stated that he remained absent for duty unauthorizedly without any leave or permission. But he has alleged that due to his physical illness, he stated that he was taking periodical treatment in the company's hospital. He has submitted some of his sick certificates. I have considered this statement of the Petitioner worker. The sick certificate for the month of April, 2002 shows that Petitioner was suffering from loose motions from 8-4-2002 to 23-4-2002 whereas the attendance register shows that Petitioner was present in the company and put in his musters on those days. The sick certificate for 9-5-2002 to 1-6-2002 when examined in the light of the attendance register it is found that Petitioner remained absent on 6, 7, and 8th May, 2002 only. He did not remain absent from 9-5-2002 to 1-6-2002 but for 6, 7 and 8th May, 2002 he has put in his musters, as it can not be said that the sick certificate which the Petitioner mentioned has produced before the Enquiry Officer proves that the Petitioner was absent for the period he was charge sheeted before the Enquiry Officer. No original certificate was produced before the Enquiry Officer nor before this Tribunal. The certificates produced by the Petitioner disprove his statement that he remained absent during the charge sheeted period. The Petitioner workman has produced another sick certificate for 30-5-2002 to 6-6-2002 wherein he has already produced a medical certificate for 9-5-2002 to 1-6-2002. How he procured another certificate for the same period i.e., 30-5-2002 to 6-6-2002 is not explained by the Petitioner. It is further proved that the Petitioner has procured this certificate just to cover his absence. Whereas these certificate belie the statement of the Petitioner that he remained absent during the charge sheeted period. The Petitioner has produced sick certificate for 22-10-2002 to 26-10-2002 whereas attendance register produced by management prove that he remained present and had put in musters during that period. This also prove that this certificate is also fictitious document. Petitioner has not only remained unauthorizedly absent during the charge sheeted period but he has procured false certificate or produced false certificate before the

Enquiry Officer which is also grave misconduct. Thus, the finding of the Enquiry Officer that Petitioner remained absent without any reasonable and appropriate cause is based on evidence produced by the management during course of the enquiry and this Tribunal is also of the opinion that the Petitioner remained absent unauthorizedly not only in the year 2002 but in the previous years 2000, 2001 also. He has put in very less number of the musters i.e., in the year 2000 the Petitioner has put in 41 musters and in 2001 he put in 35 musters. What was the reason of absence during that period has not been explained by the Petitioner as such, the finding of the Enquiry Officer that Petitioner was a habitual absentee without any reasonable and sufficient cause without any information to his superiors was proved by the management during enquiry and the management has rightly dismissed the Petitioner from the services who appears to be a negligent and careless worker. Thus, the action of the management is neither illegal nor unjustifiable. Point No. I is decided accordingly.

9. Point No. (II) : The Petitioner workman has not been able to prove that management has imposed disproportionate punishment on him. The management has not committed any mistake in terminating the services of the Petitioner. The punishment is in accordance with the gravity of the misconduct committed by the workman and I find that Petitioner does not deserve any leniency or sympathy. Point No. II is decided accordingly.

10. From the above discussion, this tribunal comes to the conclusion that Petitioner does not deserve any sympathy and he is not entitled for any relief and petition deserves to be dismissed. Hence, this award.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 15th day of July, 2011

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 26 अगस्त, 2011

का. आ. 2555.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू.सी.एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच,

अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या 12/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-8-2011 को प्राप्त हुआ था।

[सं. एल-22012/211/1999-आई आर (सीएम-II)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 26th August, 2011

S.O. 2555.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 12/1999) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Saoner Sub Area of WCL, Saoner, and their workman, which was received by the Central Government on 26-8-2011.

[No. L-22012/211/1999-IR (CM-II)]

D. S. S. SRINIVASARAO, Desk Officer

ANNEXURE

BEFORE SHRI J. P. CHAND, PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/12/1999

Date: 16-8-2011

Party No. 1 : The Sub Area Manager, Saoner Sub Area of WCL, Saoner, Distt. Nagpur (MS)

Versus

Party No. 2 : The Jt. General Secretary, Rashtriya Koyala Khadan Mazdoor Sangh (INTUC), Plot No. 604, Behind Giripeth Post Office, Opp. : RTO, Nagpur

AWARD

(Dated : 16th August, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of the Sub Area Manager, Saoner Sub Area of WCL and their workman, Shri Prem Sunder Moses Samuel, General Mazdoor, for adjudication, as per letter No. L-22012/211/99-IR(CM-II) dated 30-8-1999, with the following Schedule :

SCHEDULE

"Whether the action of the management of Western Coal Fields Ltd. through its Sub Area Manager, Saoner, Distt. Nagpur in dismissing Shri Prem Sunder Moses Samuel from services w.e.f. 22-5-1992 is legal

and justified ? If not, to what relief is the said workman entitled and from which date ?”

2. On receipt of the reference, notices were sent to the parties to file their respective statement of claim and written statement, in response to which, the union, Rashtriya Koyla Khadan Mazdoor Sangh (INTUC), (“the union” in short) filed the statement of claim on behalf of Shri Prem Sunder Moses Samuel, (“the workman” in short) and the management of the Sub Area Manager, Saoner of WCL (“the party No. 1” in short) filed the written statement.

3. Facts leading to the present reference area as follows :

The workman was appointed as a general mazdoor Cat. I, on 3-12-88 and was posted in Saoner Mine No. 1. While the workman was working as such, on 22-7-91, a charge sheet was submitted against him by the management, on the allegation of his involvement in commission of theft of 45 feet of Armed Cable from Saoner Mine No. 1. The workman was put under suspension. The workman submitted his explanation denying the charges leveled against him. Finding the explanation submitted by the workman not to be satisfactory, orders was passed by the management for initiation of the departmental enquiry and accordingly, a departmental enquiry was initiated against the workman. The Inquiry Officer, on conclusion of the enquiry, found the charges levelled against the workman to have been proved and accordingly submitted his report to the Disciplinary Authority. The Disciplinary Authority taking into consideration the enquiry report and other materials on record, passed the order of dismissal of the workman from services, w.e.f. 22-5-92.

It is pertinent to mention here that besides initiation of the departmental enquiry, a criminal case was also launched against the workman and some others by the Police for commission of the alleged theft and after investigation, Police submitted charge sheet against the workman and some others in the court of Judicial Magistrate First Class, Saoner, which was registered as Criminal Case No. 326/91. However, the workman was acquitted by the criminal Court on 9-9-96. After his acquittal in the criminal case, the workman filed an appeal before the Chief General Manager, WCL, Nagpur area, Nagpur for his reinstatement, but his appeal was rejected. The fact of rejection of the appeal was communicated to the workman on 2-6-98. Thereafter, the cause of the workman for his reinstatement in service was taken up by his union, by writing a letter to the Chief General Manager, Nagpur area on 4-7-98, but as no reply was received by the union, the union raised the industrial dispute on 15-10-98 before the Asstt.

Labour Commissioner (Central -II), Nagpur (“ALC” in short). The ALC tried for a conciliation but as the conciliation failed, the ALC reported such failure to the Central Government, who in its turn, referred the dispute to the Tribunal for adjudication.

4. The workman through his union has filed the statement of claim and has challenged the validity of the departmental enquiry on the grounds that the departmental enquiry was conducted by the Inquiry Officer in an illegal manner, ignoring the principles of natural justice and the charges levelled against him were vague and not specific and lacked particulars of place, date and time of the alleged theft and as such, the initiation of the departmental enquiry and all other actions taken against him, basing on such vague and baseless charges, including the order of his dismissal from service are illegal and bad in law and the procedure to be followed in the departmental enquiry was not explained to him by the Inquiry Officer, for which also, the enquiry is bad in law and the evidence of the witnesses examined by the management in the enquiry is inconsistent and the witnesses have not involved him in commission of the alleged theft and as such, the findings of the Inquiry Officer are baseless and during the course of the departmental enquiry, the Inquiry Officer did not give him fair and reasonable opportunity and the representation made by him were not dealt with properly and therefore, the enquiry was unfair and the Disciplinary Authority did not take into consideration his past clean service record before imposing the punishment, as required by the standing order and no second show cause notice was served on him, before passing of the order of dismissal from service and as such, the punishment imposed is illegal and when he was acquitted in the criminal case filed on the same allegations, the framing of charge basing on the information of the Police and the subsequent actions of the management have become invalid and the Disciplinary Authority did not pass a speaking order, while passing the order of dismissal and the conclusions arrived at by the Inquiry Officer and the Disciplinary Authority are not reasonable.

5. The management in its written statement has pleaded that the workman and five other employees were prosecuted by Police and all of them were charge sheeted by the management and after holding the departmental enquiry, all of them were dismissed from service and the departmental enquiry was held fully in accordance with law, complying with the principles of natural justice and the charges leveled against the workman having been found to be proved, the workman was punished with the order of dismissal and the charges leveled against the workman were specific and were not baseless and the workman was charged with grave misconduct of theft, which stood proved and that itself is sufficient to warrant the punishment of dismissal and as such, consideration of the past service record of the workman was not

necessary and though the workman was offered with the second show cause notice by the management, he did not receive the same and the workman was not acquitted on merit of the criminal charges, but the acquittal of the workman was without trial, as per the direction of the Hon'ble Apex Court, as the trial did not commence even after two years of submission of the charge sheet and it is also settled principle of law that a delinquent employee can be punished in a departmental enquiry, if the charges are proved, even if, he has been acquitted by the criminal court and the Inquiry Officer has held both the charges to have been proved and such findings are based on materials on record.

6. As this is a case of dismissal from service of the workman, after holding a departmental enquiry, the validity or otherwise of such departmental enquiry was taken for consideration, as a preliminary issue and vide order dated 27-10-2010, departmental enquiry was held to be legal, proper and according to the principles of natural justice.

7. It was contended on behalf of the workman, by the union representative that the findings of the Enquiry Officer are perverse as the entire report of the Inquiry Officer does not disclose as to whether any report received from the police by the management of party No. 1 was placed before him or not, the evidence of the witness examined on behalf of the management is hear say evidence and basing on such hearsay evidence, the findings are based and material witness, Shri Parmeswaran, Sr. Executive Engineer (E & M), who had submitted the F.I.R. regarding the theft of the armed cable was not examined and material documents were not produced in the enquiry and as the findings are based on imagination and not based on materials on record and the Inquiry Officer did not consider the objections raised by the workman in the departmental proceedings in regard to the mode of recording of the evidence of the witnesses for the management and proceeded with the enquiry and even though management was aware of the pendency of the criminal case against the workman, management proceeded with the departmental enquiry and as such, the dismissal of the workman during the pendency of the criminal case was unwarranted and management should have waited for the verdict of the criminal case. It was further submitted by the union representative that on 6-6-1996, the workman was acquitted in the criminal case, as police failed to take steps for commencement of the trial against him by way of adducing evidence and in view of such acquittal, management should not have proceeded with the departmental enquiry, which was initiated subsequent to the police case and basing on the police report about the arrest of the workman and when no appeal was filed against such acquittal. It was also submitted that mere suspicion when the employer and the police failed to prove the charges through a proper trial of the offence, submission

of charge sheet against the workman by the employer against unproved criminal offence and dismissing the workman from services amounts to illegal act and the name of the workman was not mentioned as a suspect in the two F.I.Rs. submitted on 15-7-1991 and 16-7-1991 by the Sr. Executive Engineer, (E & M) Saoner and the report of the Inquiry Officer and second show cause notice were not served on the workman and as such, the act can be held as illegal act and for that it is necessary to set aside the order of dismissal of the workman from services and though, there was no evidence at all in the proceedings of the enquiry regarding the workman causing willful damage to the work in progress or to the property of the employer, the findings of the Inquiry Officer that both the misconducts have been proved are erroneous and baseless and for that the findings are perverse and illegal. It was also contended that the punishment of dismissal from service imposed against the workman is shockingly harsh and disproportionate and the workman had rendered unblemished service since the date of his joining of the service without any warning and censure and his past service records and the other extenuating circumstances were not taken into consideration before imposition of the punishment and the punishment imposed against him unreasonable, unfair and severe. In support of such contentions, reliance was placed on the decisions reported in the case of Shri J. Ravikumar Vs. The CGM, Hindustan Petroleum Corpn. Ltd. in writ petition No. 23371 of 1999, Union of India and others Vs. Mohd. Ramjan Khan in Civil Appeal No. 571 of 1985, The Managing Director, Electronics Corporation India Ltd., Hyderabad Vs. B. Karunakar and Shambhu Sharan Lal Vs. Coal India Limited and Others, 2011 CLR-426.

8. Per Contra, it was submitted on behalf of the management by the management representative, that it is already held by this Tribunal that the enquiry is valid, legal and proper and the workman, while working as general mazdoor category-I, on 22-7-1991 was issued with a charge-sheet for his alleged involvement in theft of armed cable from Saoner Mine No. 1 and an enquiry was held against him and on conclusion of the enquiry, the Enquiry Officer submitted his report holding the workman to be guilty of the charges and the disciplinary authority passed the order of dismissal from service w.e.f. 22-5-1992 and two witnesses were examined on behalf of the management in support of the charges during the enquiry and on evidence of rebuttal was produced by the workman and the findings given by the Enquiry Officer are based on the oral and documentary evidence, which were produced during the enquiry and as the workman did not attend the enquiry even though full opportunity was given to him to defend himself, he has no locus-standi to challenge the findings and in his statement given before the police, the workman admitted his guilt and such statement, the FIRs and the report submitted by the police regarding the arrest of the workman in the criminal case were produced and proved by the witnesses

for the management and the findings of the Enquiry Officer are based on the evidence brought before him during the course of the departmental enquiry and the Disciplinary Authority agreed with the findings of the Enquiry Officer after going through the materials on record and the charges levelled against the workman are very grave in nature and the workman indulged himself in commission of serious acts involving theft and no employer can keep such a person in service and due to the involvement of the workman in commission of the theft of the property of the company, the company lost confidence and as such, the workman is not entitled for reinstatement in service and back wages and the Tribunal has not been vested with the power to interfere with the punishment imposed against the workman. In support of such contentions, reliance has been placed on the decisions reported in 2000 LIC 3302 (Janata Bazar Vs. Secretary, Sahakari Nukarna Sangh, 1997 (6) SCC-159 (Punjab Dairy Devp. Corpn. Vs. Kalas Singh), 2001 (II) L.L.J. 1239 (SC), AIR 2000 SC 1462.

Keeping in view, the principles enunciated by the Hon'ble Apex Court and by other Hon'ble Courts in the decisions mentioned above and on which, reliance has been placed by the parties, now, the present case at hand is to be considered.

9. First of all, I will take up the contention raised regarding non-supply of the enquiry report and second show cause notice to the workman. It was submitted by the union representative that in view of the judgments of the Hon'ble Apex Court reported in AIR 1991 SC 471 (Union of India Vs. Mohd. Ramzan Khan) and 1994 I.L.L.J. (SC) 162 (Managing Director ECIL, Hyderabad and B. Karunakar), supply of the enquiry report to the workman is a must and due to non-supply of the copy of enquiry report amounts to failure of giving of reasonable opportunity of showing cause by the workman against the action proposed to be taken in regard to him and in this case, the report of the Enquiry Officer was not supplied to the workman and as such, the punishment imposed against him is illegal.

In answer, it was submitted by the management representative that in this case though the copy of the enquiry report and second show cause were issued to the workman, the workman refused to receive the same and as such, the decisions cited by the workman have no application and moreover, the Hon'ble Apex Court in the case of Shri S. K. Singh Vs. Central Bank of India and others have held that when no prejudice is caused to the delinquent employee due to non-supply of the enquiry report, it cannot be held that there was illegality due to non-supply of enquiry report and in this case, the workman has not stated anywhere that due to non-supply of the enquiry report, prejudice was caused to him and as such, the contentions raised in this regard cannot be entertained.

Perused the record and found that even though the copy of the enquiry report and the second show cause notice were sent to the workman by the management through a peon, the workman refused to receive the same. There is also nothing on record to show that any prejudice was caused to the workman for non-supply of the copy of the enquiry report. Hence, I find no force in the contention raised by the union representative.

10. The union representative submitted that in this case there was no legal evidence before the Enquiry Officer and so also the disciplinary authority to impose the order of dismissal from service against the workman, hence, the same is illegal and when there is no evidence for inflicting the punishment, the Tribunal can interfere with the findings of the Enquiry Officer and the disciplinary authority. It was also submitted that as in the criminal case, the workman was acquitted by the court, the workman should have been reinstated in service with continuity and full back wages, but inspite of the same, the management dismissed him from service. In support of the contention, reliance was placed on the decision reported in 2006 LAB. I.C. 4111 (J. Ravikumar Vs. The Chief General Manager, HPL) and 2011 (I) CLR 426 (Supra).

On the other hand, the representative of the party No. 1 submitted that the Tribunal cannot act as the appellate authority and re-appreciate the evidence and come to a different conclusion than the one arrived in the departmental proceedings. It was further contended that the nature of the departmental and criminal proceedings are different and in the departmental proceedings, strict rules of evidence cannot be made applicable and only preponderance of probabilities have to be looked into but in a criminal trial, strict rules of evidence are applicable and prosecution has to prove the guilt of the accused beyond all reasonable doubts and as the acquittal of the workman is not a clean acquittal and his acquittal was due to the direction of the Hon'ble Apex Court for non-commencement of the hearing of the case, the acquittal of the workman did not automatically result in dropping of the departmental proceeding.

11. In view of the above rival contentions, the points that fall for considerations are :

- (a) Whether this Tribunal can interfere with the findings of the Enquiry Officer and the disciplinary authority, if they are sought to be proved on no evidence ?
- (b) Whether the punishment imposed against the workman is without there been any evidence on record ?

In the judgment reported in 2006 LAB. I.C. 4111 (Supra), the Hon'ble Court of Andhra Pradesh (High Court), after referring to number of decisions of the Hon'ble Apex Court have held that :

“Demotion of employee—Charge that he had stolen property of its employer—Corporation—Departmental charge sheet was issued based on remand report of police official—It was a case of theft—There was no direct witness—Circumstantial evidence have to be looked into—Confession of employee before police officer and subsequent identification of property by manager of corporation cannot be taken as evidence against him—Finding based on such evidence is perverted and therefore liable to set aside.”

It is well settled that the findings recorded in the departmental enquiry by the disciplinary authority or the Inquiry Officer as a matter of course, the court cannot sit in appeal over those findings and assume the role of the appellate authority, but this doesn't mean that in no circumstance the court can interfere and such interference can be made, if there was no evidence to support the findings or the findings recorded were such as could not have been reached by any ordinary prudent man or the findings were perverse. It is also well settled that the disciplinary proceedings before a domestic Tribunal are of quasi-judicial in character and therefore it is necessary that the Tribunal should arrive at its conclusion on the basis of some evidence, that is to say, such evidence which and that too with degree of definiteness points to the guilt of the delinquent and doesn't leave the matter in a suspicious state as mere suspicion cannot take the place of proof even in domestic enquiries. If, therefore, there is no evidence to sustain the charges against the delinquent, he cannot be held to be guilty as in that event, the findings recorded by the Enquiry Officer would be perverse. It is also well settled by the Hon'ble Apex Court that domestic Tribunals, like an Enquiry Officer, are not bound by the technical rules about evidence contained in the Indian Evidence Act, but it has nowhere been laid down that even substantive rules, which would form part of principles of natural justice, can be ignored by the domestic Tribunals.

In the light of the above positions, now it is necessary to find out as to whether there is any legal evidence to support the conclusions arrived at by the Enquiry Officer and the disciplinary authority in this case.

Admittedly, the charge sheet was submitted against the workman on the basis of the information received by the party No. 1 from the police regarding his arrest in the case involving theft of armed cable, which was registered on the basis of the FIRs submitted by the Sr. Executive Engineer, (E & M). It is also not disputed that the workman was acquitted in the criminal case by the court, in view of the direction of the Hon'ble Apex Court contained in writ petition (Civil) No. 1128 of 1986, on the ground of non-commencement of the trial of the case for more than 2 years as per orders dated 9-9-2006. On perusal

of the reports submitted to the police, it is found that the name of the workman was not mentioned as a suspect in the same. It is also found that there was no direct evidence regarding the involvement of the workman in commission of the said theft. The witnesses examined on behalf of the party No. 1 in the departmental enquiry have stated about the workman making confession of committing the theft along with some others before the police officer. A copy of the statement of the workman recorded by the police was also produced in the enquiry. It is settled beyond doubt that confession of an accused before the police officer is not admissible and cannot be taken as evidence against him. No other evidence was adduced in the departmental enquiry showing the involvement of the workman in commission of the theft and as such, the findings of the Enquiry Officer and so also the disciplinary authority on such evidence are perverse and therefore, liable to be set aside.

In view of the judgments of the Hon'ble Apex Court and the judgment reported in 2006 LAB. I.C. 411 (Supra) this Tribunal can interfere with the perverted findings and set them aside. Accordingly, the questions framed are answered in affirmative. Hence, the punishment of dismissal from service imposed against the workman cannot be upheld.

12. Now the question for consideration is as to what relief the workman is entitled. In view of the findings that the punishment imposed against the workman cannot be upheld, he is entitled for reinstatement in service with continuity from the date of dismissal from service. However, the workman is not entitled for any back wages, as he has neither pleaded nor proved that he was not gainfully employed from the date of his dismissal. Rather, in his application submitted to the Chief General Manager, WCL dated 1-8-1997, he had mentioned about his working as a labourer with petty contractors during those years. Hence, he is not entitled for any back wages. Therefore it is ordered :

ORDER

The action of the management of Western Coal Fields Ltd. through its Sub Area Manager, Saoner, Distt. Nagpur in dismissing Shri Prem Sunder Moses Samuel from services w.e.f. 22-5-1992 is illegal and unjustified. The order of dismissal from service of Shri Prem Sunder Moses Samuel is set aside. The workman be reinstated in service with continuity from 22-5-1992. The workman is not entitled for back wages or any other relief. The party No. 1 is directed to give effect to the award within one month, from the date of publication of the award in the Official Gazette.

J. P. CHAND, Presiding Officer

नई दिल्ली, 26 अगस्त, 2011

क्र.अ. 2556.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एफ.सी.आई. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ग्राम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 63/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-8-2011 को प्राप्त हुआ था।

[सं. एल-22012/280/2007-आई आर (सीएम-II)]

डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 26th August, 2011

S.O. 2556.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 63/2007) of the Central Govt. Indus. Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the industrial dispute between the management of Food Corporation of India and their workman, which was received by the Central Government on 26-8-2011.

[No. L-22012/280/2007-IR(CM-II)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT:

Shri Ved Prakash Gaur, Presiding Officer

Dated, the 5th day of August, 2011

Industrial Dispute No. 63/2007

BETWEEN:

Smt. Vadapalli Satyavathi,
C/o Mohammad Abdul Razack,
Telecom Temple Inspector,
Monkdy Statue Centre,
Tadepalligudem, West Godavari Distt. ... Petitioner

AND

1. The Senior Regional Manager,
Food Corporation of India,
Regional Office, III Floor,
Haca Bhavan,
Hyderabad-500 004
2. The District Manager,
Food Corporation of India,
District Office, Tadepalligudem,
West Godavari District ... Respondent

APPEARANCES:

For the Petitioner : M/s. G Phani Babu & Duvvi
Peddi Nuka Raju, Advocates

For the Respondent : M/s. B.G. Ravindra Reddy,
P. Srinivasulu & Y. Ranjeeth
Reddy, Advocates

AWARD

This reference has been received from Government of India, Ministry of Labour bearing No. L-22012/280/2007-IR(CM.II) dated 20-11-2007 under Section 10(1)(d) of the I.D. Act, 1947 to adjudicate the dispute between Smt. V. Satyavathi and the management of Food Corporation of India. The term of reference is as under :

SCHEDULE

“Whether the action of the Management of the FCI by not considering the request of Smt. V. Satyavathi for induction as Ancillary Labour under DPS System is legal and justified ? If not, to what relief is the concerned work woman entitled ?

The reference is numbered in this Tribunal as I.D. No. 63/2007 and notices were issued to the parties.

2. Smt. V. Satyavathi has filed claim statement stating therein that she worked as sweeperess in Sri Venkateswara Labour Co-operative Society Ltd., FCI, Depot, Tadepalligudem, from 1985 to 1996. During that period EPF subscriptions were also deducted from her wages. She has alleged that Direct Payment System was introduced by the Respondent management and at the time of induction of sweeperess as ancillary labour under DPS the Petitioner undergone major operation at Solomon Nursing Home, Chirala and she could not be able to attend before the concerned committee of selection of DPS workers. Later on the Petitioner requested to induct her as DPS ancillary labour but her request has not been considered. Subsequently, several juniors were inducted in the corporation.

3. Petitioner made number of representations of Food Corporation of India authorities and labour officers. She approached the Labour Enforcement Officer also to refer the matter to government. Hence, she has requested that her case be considered by the management and she be inducted in DPS system as ancillary labour.

4. Management has filed counter against the claim statement submitted by worker wherein it has been alleged by Respondent that Sri Venkateswara FCI Food Storage Depot Labour Contract Cooperative Society Ltd., was a contractor and Smt. V. Satyavathi worked as ancillary contract labour from 1985 to 1995 through said society. Thereafter she did not work and she continuously absented from duty as such, her name was struck down from the rolls of Co-operative Society treating that she has abandoned her services.

5. Food Corporation of India Headquarters, New Delhi decided to introduce DPS in A.P. Region and issued guidelines to select the senior most labourers in DPS system from identified list of co-operative societies through Headquarters letter dated 5-11-1997. The requirement was to be assessed and decided as per existing norms of Food Corporation of India on the basis of following formula :

$$(a) \text{ No. of Handling Labour (loaders) = } \frac{\text{Annual Turnover (Receipts + Issues of Big Bags)}}{365 \times 90}$$

(b) At the rate of Four persons of Ancillary Labour per 5000 Mts. Capacity.

(c) The workers who are presently working and had worked and paid wages continuously at least 9 months during the last 12 months preceding cessation of operation in the concerned depot will be considered for employment in the DPS.

6. It was alleged that Petitioner has not worked continuously for 9 months in a year. She remained absent for a long time, her name was struck down by the concerned co-operative society. Thus, she ceased to be employee/member of the said co-operative society. It is further alleged that the Food Corporation of India management appointed committee of officers for selection of labour/ancillary labour in DPS system. The team of officers visited FCI Depot, Tadepalligudem on 2-3-1994 at 2 PM and directed the Assistant Manager of the unit to furnish list of the labours along with their bio-data. Since Petitioner was not working with the Co-operative Labour Society unit during the period of selection her name was not mentioned in the list and accordingly her case was not taken up by the committee. Headquarters issued letter dated 5-11-1997 prescribing the guidelines for introduction of Direct Payment system. As per guidelines and circulars a labour should be in service and working on the date of the circular. Apart from that he should have worked for atleast 9 months during the last 12 months. This condition was not fulfilled by the Petitioner, as such, her case was not considered and she was not inducted in DPS system. The reference is devoid of merit since Petitioner was not eligible for consideration nor her name was sponsored by the local unit for consideration as such, the petition is not maintainable. Petitioner is not entitle for any relief and reference deserves to be answered in negative.

7. The Petitioner has filed a rejoinder against the counter statement filed by the management and in para 6 of her rejoinder it is claimed by the Petitioner that there should be total ancillary labour sanctioned to Food Corporation of India Depot, Tadepalligudem. Which should not be decreased or increased and if their number has to be changed then, permission from Zonal Manager

has to be obtained. As per the contention of the Petitioner this order was issued on 30-4-1994, as per her contention on 30-4-1994 she was working with said cooperative society and she worked upto 1996. She further stated in para 9 that seniority should have been the criteria for selection for DPS. But, her juniors 1. Sri Manga Reddy, 2. Smt. G. Savitri and 3. Smt. G. Kantamma were taken into service but Petitioner was not taken into service because the management has illegally struck off her name from the list of the labours. In her rejoinder she has further stated that 240 days service is enough for regularization. Against this contention the Learned Counsel for the Respondent has contended that it is not a case of regularization. Nor Petitioner has come before this Tribunal for regularization of her services.

8. Parties were directed to produce evidence. Petitioner worker has filed her affidavit and produced herself for cross examination. She has further filed Ex. W1 circular dated 30-4-1994, she has filed medical certificate dated 7-5-2007 wherein it is mentioned that she was advised bed rest from 4-2-1994 to 3-4-1994 and she remained hospitalised in Solomon Nursing Home. She has also filed the order of Hon'ble High Court of A.P., in the matter of B. Ashok and others Vs. Chairman, Food Corporation of India to show that in light of the order of Hon'ble High Court of A.P., those employees were absorbed by Food Corporation of India. She has filed list of the labours who worked in June, 1995, September, 1995 and photocopy of two receipts of the deduction towards EPF. Management has filed xerox copy of the letter dated 7-11-1997, 5-11-1997, booklet of Sri Venkateswara Co-operative Society and representation of the Petitioner, Management has filed affidavit of Sri V.V.S.R. Prasad, and has produced him for cross examination.

9. Both parties remained absent on the date of arguments as such, I myself have gone into the evidence and pleadings of the parties and questions raised by the Petitioner worker through her claim statement. This case is referred by Government of India and this Tribunal is limited to answer the question referred by the Government of India, as to :

(I) Whether the action of management of Food Corporation of India in not considering the request of Smt. V. Satyavathi as ancillary labour in DPS system is legal and justified and

(II) To what relief if any she is entitled for ?

10. Point No. (I) : The Management has contended that for induction into the DPS system the Food Corporation of India Headquarters has issued guidelines at the time of preparation of list of labours to be inducted in DPS system for that a labour should have been in service on the date of the consideration. According to the management the 2nd March, 1994 to 4th March, 1994 the

meeting was held but the name of the Petitioner worker was not found in that list because the Petitioner has already abandoned her duty remaining absent from the work. This aspect of the matter appears to be correct because from own certificate and papers produced by the Petitioner worker she remained absent and she was bed ridden from 4-2-1994 to 3-4-1994. Secondly the Petitioner has to prove that she has worked for 9 months in the past 12 months and her name find place in the labour list prepared by the cooperative society. The Petitioner has not been able to produce a single piece of paper that the Petitioner has worked for 9 months before the date of consideration of the names of the labours in inducting them in DPS system. Petitioner herself in her cross examination has admitted that due to her illness, "she could not know the constitution of the screening committee and she did not appear before the screening committee and she was not absorbed in the service" though in her statement she has stated that it is not correct that she could not have been absorbed without appearing before the screening committee, however, own admission of the Petitioner is sufficient to prove that Petitioner did not appear before the screening committee. She discontinued due to her ill-health though she is stating that she worked upto 1996 but the documents and service certificates produced by her show that she has under gone operation and she remained bed ridden from February to April, 1994 and she did not work after undergoing operation. There is no iota of evidence to prove that Petitioner has sought any leave from her principal employer i.e., Sri Venkateswara Labour Cooperative Society Ltd., as such, it can not be said that Petitioner was working on the date of the screening committee meeting. It is also proved that Petitioner did not appear before the screening committee and she was hospitalized during that period. Fact of her absence and cause of absence was not made known to her employer as such, her name was struck off from the rolls of workers. This material fact has not been disputed by worker in her claim statement as such, when Petitioner was absent, her name was struck off by her employer from roll of labours at the time of preparing the list, she did not inform her principal employer Sri Venkateswara Labour Cooperative Society Ltd., regarding absence, or of her health condition and her name was struck down by the cooperative society, the society did not induct the name of the Petitioner for consideration for absorption or induction in DPS system. There is no evidence that Petitioner worked for 9 months as required by the guidelines formulated by the Food Corporation of India management.

11. In the light of the above discussion, this Tribunal is of the opinion that the Food Corporation of India management has not committed any illegality in not considering the name of the Petitioner for absorption in DPS system. The action of the management is legal and justified in this case. Point No. (I) is answered accordingly.

12. Point No. (II) : Petitioner has not been able to prove that action of management is illegal and unjustified as such, the Petitioner is not entitled for any relief. Point No. (II) is answered accordingly.

13. In conclusion, the action of the management of Food Corporation of India by not considering the request of Smt. V. Satyavathi for induction as Ancillary Labour under DPS System is legal and justified and the Petitioner is not entitled for any relief as such, the reference is answered accordingly.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 5th day of August, 2011.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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WW1 : Smt. V. Satyavathi	MW 1: Sri V.Y.S.R. Prasad
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Documents marked for the Petitioner

Ex W1 : Copy of Ir. by Respondent Regional Office, Hyderabad File No. S. & C 32(7) 93. Cont I dated 30-4-1994

Documents marked for the Respondent

NIL

नई दिल्ली, 26 अगस्त, 2011

क्र.आ. 2557.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डब्ल्यू.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/त्र्य न्यायालय, नागपुर के पंचाट (संदर्भ संख्या 25/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-8-2011 को प्राप्त हुआ था।

[सं. एल-22012/155/2004-आई आर (सीएम-II)]
डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 26th August, 2011

S.O. 2557.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 25/2005) of the Central Govt. Indus. Tribunal-cum-Labour Court, Nagpur, as shown in the Annexure in the industrial dispute between the management of M/s. Western Coalfields Limited, and their workman, which was received by the Central Government on 26-8-2011.

[No. L-22012/155/2004-IR(CM-II)]
D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE**BEFORE SHRI J.P. CHAND, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR**

Case No. CGIT/NGP/25/2005

Party No. 1 : The Sub Area Manager, Sillewara
Sub Area of WCL,
Post Sillewara, Distt. Nagpur,
Maharashtra-441109

Versus

Party No. 2 : The General Secretary,
Lal Zanda Coal Mines Mazdoor
Union, Coal Estate, Civil Lines,
Nagpur-440001 (M.S.)

ORDER

(Dated : 16th August, 2011)

This order arises out of the petition filed by the workman, for withdrawal of the case.

2. The facts necessary for disposal of the petition are as follows :

In exercise of the powers conferred by clause (d) of Sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of Western Coalfields Limited of Sub Area of Sillewara and their workman, Shri Shaukat Ali for adjudication, as per letter No. L-22012/155/2004-IR (CM-II) dated 17-3-2005, with the following Schedule :

SCHEDULE

"Whether the management of M/s. Western Coalfields Limited through its Sub Area Manager, Sillewara Sub Area, PO Sillewara, Distt. Nagpur is justified in denying the demand of the General Secretary, Lal Zanda Coal Mines Mazdoor Union, Nagpur for regularization of the workman Shri Shaukat Ali Sultan Ahmed in the Post of Lamp Issue and Return Clerk in Clerical Grade-III as per Cadre Scheme JBCCI I. I. No. 30 dated 26-6-1984 with retrospective effect from 1-1-1999 and with consequential benefits as per NCWA VI ? If not, to what relief the said workman is entitled ?"

3. On receipt of the reference, the parties were noticed to file their respective statement of claim and written statement and accordingly, the workman, Shri Shaukat Ali filed the statement of claim through his union, Lalzanda Coal Mines Mazdoor union and the management of WCL filed the written statement.

4. In his statement of claim, the workman had prayed to declare the action of the management not to be justified, in not regularizing his service in the post of lamp issue and return clerk w.e.f. 1-1-1999.

5. The management of WCL in the written statement denied the allegations made by the workman and pleaded inter alia that the action of the management is justified and the workman is not entitled for any relief.

6. On 6-4-2011, the advocate for the workman filed a pursis stating that as the grievance of the workman were substantially met by the management, by promoting him to a grade equivalent to the post of lamp issue and return clerk, the workman is no more interested to prosecute the reference. However, a direction was given for filing an application by the workman supported with affidavit. Accordingly, the workman filed the application on 29-7-2011 for withdrawal of the case, supported with an affidavit.

7. Perused the record. Taking into consideration the facts and the circumstances of the case, the petition is allowed. In view of the submission as made in the petition that the workman is not interested to prosecute the case it is held that the workman is not entitled for any relief. Hence it is ordered :

ORDER

The management of M/s. Western Coalfields limited through its Sub-Area Manager, Sillewara Sub Area, P.O. Sillewara, Distt. Nagpur is justified in denying the demand of the General Secretary, Lal Zanda Coal Mines Mazdoor Union, Nagpur for regularization of the workman Shri Shaukat Ali Sultan Ahmed in the post of Lamp Issue & Return Clerk in Clerical Grade-III as per Cadre Scheme JBCCI I. I. No. 30 dated 26-6-1984 with retrospective effect from 1-1-1999 and with consequential benefits as per NCWA VI. The workman is not entitled for any relief.

The application dated 29-7-2011 is made part of order.

J.P. CHAND, Presiding Officer

नई दिल्ली, 26 अगस्त, 2011

क्र.आ. 2558.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 77/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-8-2011 को प्राप्त हुआ था।

[सं. एल-22013/1/2011-आई आर (सी-II)]
डॉ.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 26th August, 2011

S.O. 2558.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Govt. Indus. Tribunal-cum-Labour Court, Hyderabad (CGIT/LCID/77/2007) now as shown in the Annexure in the industrial dispute between the employers in relation to the management of SCCL and their workmen, which was received by the Central Government on 26-8-2011.

[No. L-22013/1/2011-IR(C-ID)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT:

Shri Ved Prakash Gaur, Presiding Officer

Dated, the 30th day of June, 2011

Industrial Dispute L.C. No. 77/2007

BETWEEN:

Shri. Kotte Ashok,
S/o Rajesham,
R/o Begumpet Post,
Begumpet Mandal,
Khamanpur, Distt. Karimnagar ... Petitioner

AND

1. The Chief General Manager,
M/s Singareni Collieries Company Ltd.,
R.G.I. Godavarkhani,
Karimnagar District
2. The Managing Director,
M/s Singareni Collieries Company Ltd.,
(Administration) Kothagudem,
Khammam District ... Respondents

APPEARANCES:

For the Petitioner : Shri S. Bhagwanth Rao,
Advocate

For the Respondent : M/s. P.A.V.V.S. Sarma & Vijaya
Laxmi Panguluri, Advocates

AWARD

This petition under Sec. 2A(2) of the I.D. Act, 1947 has been filed by Sri Kotte Ashok, Ex-Badli filler to set aside the termination order dated 5-7-2002 and to reinstate the Petitioner workman with full back wages.

2. It is alleged by the Petitioner that Petitioner was appointed by Respondent in RK 6 on 31-3-1986 as a Floor Badli Filler and he discharged his duties to the fullest

satisfaction of his superiors till his removal from service w.e.f. 8-7-2002 vide order dated 5-7-2002 for his absence during the year 2000. He was absent due to sudden demise of his brother and also due to his ill-health. He submitted medical certificates of 2001 which were not considered. Petitioner is an illiterate person. Respondent conducted defective enquiry and dismissed the Petitioner from service. He submitted explanation dated 24-4-2007, but it was not considered. Enquiry report was not explained properly to him. Petitioner's removal dated 8-7-2002 is arbitrary, illegal and against the principles of natural justice. It is submitted that the Respondents reviewed the cases of absenteeism for the year 2002, Petitioner received interview card for the same and attended the interview at Kothagudem but his case was not considered. He represented Respondent for employment but no response. Hence, it is prayed that the dismissal order issued by Respondent be declared as illegal and arbitrary and set aside the same consequently directing the Respondents to reinstate the Petitioner into service with all consequential benefits.

3. Management has submitted his reply alleging therein that Petitioner remained absent for the year 2000 which hampered the working of the company, the absence of the Petitioner was without any sufficient cause which is grave misconduct within the Standing Orders 25.25 of the company and dismissal is not bad in the light of the case law reported in 1996(1) SCC 302 State of U.P. and others Vs. Ashok Kumar Singh. Petitioner was appointed into the service of the Respondent company on 28-5-1986 as floating badli filler. He was promoted as coal filler w.e.f. 13-4-1993. Petitioner had put in 85 musters in the year 2000. He remained absent for the rest of days in the year 2000 as such, he was issued with a charge sheet dated 20-4-2001 for his absenteeism during the year 2000. Petitioner has submitted explanation to the charge sheet dated 24-4-2001 which was found unsatisfactory as such, enquiry was ordered. Due notices were given to the Petitioner to participate in the enquiry proceeding. The notice was acknowledged by the Petitioner and he participated fully in the enquiry proceeding. Petitioner was explained the procedure of the enquiry in Telugu language, he pleaded guilty of the charges levelled against him. Enquiry report was also provided to the Petitioner. He acknowledged the notice and submitted his representation dated 14-10-2001. In consideration of his representation, he was given an opportunity to improve himself by keeping the disciplinary action to be taken against him in abeyance temporarily and to observe his attendance and work performance for a period of six months from 1-11-2001 to 30-4-2002 with a condition that he has to put atleast 20 musters in every month with a filling performance of two tubs for every muster on an average per month. In spite of warning letter dated 20-12-2001 he failed to avail the opportunity to improve his attendance and performance is as under :

Month	Filling Musters	Acting Musters	Total Musters	Tubs Filled
Nov. 2001	09	01	10	10.0
Dec. 2001	14	01	15	20.0
Jan. 2002	08	00	08	10.0
Feb. 2002	04	00	04	05.0
Mar. 2002	09	00	09	09.5
Apr. 2002	06	2	08	09.0
Total	50	04	54	63.5

His attendance in the year 1997 was 126 musters, in 1998 was 122 musters, in 1999 was 160 musters, in 2000 was 085 musters and in 2001 was 77 musters. He failed to put mandatory musters 190 per year after giving an opportunity during observation period also, as such, Respondent was constrained to dismiss the Petitioner from service for unauthorized absenteeism, w.e.f. 8-7-2002 vide order dated 5-7-2002. Petitioner did not produce any sickness proof, thus he failed to produce any material or evidence before the Enquiry Officer. Petitioner did not avail the assistance of co-worker though he was given opportunity to take the help of a co-worker. He intentionally absented himself without any reason or cause. The company has provided medical facilities by establishing hospitals, the Petitioner did not reported to the company hospital for his sickness thus, his submission that he was absent due to ill-health is unfounded, Enquiry Officer has given his finding on the material placed before him by the management and no fault can be find in the enquiry report, it is based on evidence and Petitioner's dismissal order is not disproportionate to the misconduct committed by him since Petitioner was not regular to his duties company has dismissed him which is neither illegal nor invalid. Hence, the petition be dismissed.

4. Parties were directed to produce documentary evidence in support of their claims. Petitioner has filed original dismissal order dated 5-7-2002, xerox copies of representation of the Petitioner to Respondent and reputed persons, recommendation letters for Petitioner by some reputed persons to higher officials and Ministers, etc.. However, the Respondent has filed charge sheet, acknowledgement of charge sheet, explanation to charge sheet, enquiry notice, entire domestic enquiry proceedings file, enquiry report, show cause notice issued to him, his representation to show cause notice, office orders and dismissal order.

5. Coming to the point of the legality and validity of domestic enquiry conducted by the management it is pertinent to mention that as the Petitioner has not challenged the legality of the domestic enquiry, domestic enquiry was held to be legal and valid. Case fixed for arguments under Sec. 11A of the Industrial Disputes Act,

1947, Petitioner counsel called absent as such, argument of Respondent's counsel was heard.

6. It appears that Petitioner is not interested to proceed with the case. However, I have gone through the claim statement, counter statement, documents of the both parties and arguments of the Respondent.

7. It is admitted fact that the Petitioner remained absent during the year 2000 for which a charge sheet dated 20-4-2001 was issued to the Petitioner, he acknowledged the receipt of charge sheet and submitted his explanation to the charge sheet. It is also admitted that domestic enquiry was conducted and Petitioner participated in the domestic enquiry. On the basis of the report submitted by the Enquiry Officer dismissal order has been passed against the Petitioner which is under challenge. The workman did not contested about legality of domestic enquiry as such, it was held to be legal and valid.

8. This tribunal has to consider the following points :

- (1) Whether the absence of Petitioner during the year 2000 was for any sufficient and reasonable cause or not and the report of Enquiry Officer is based on evidence or not ?
- (2) Whether the punishment imposed upon the Petitioner is disproportionate to the misconduct committed by the Petitioner ?

9. Point No. 1 : The Petitioner has submitted that due to sudden demise of his brother and his sickness during the year 2000 he remained absent. His statement was recorded by the Enquiry Officer and during the course of the enquiry he stated that he remained absent for the period mentioned in charge sheet due to health problems. But has not been able to provide any single piece of paper before the Enquiry Officer to substantiate his illness, he has not mentioned what was the cause of his ill-health and from where he took treatment. He simply stated that his health condition was not good due to which he remained absent during the year 2000. As against this, the management has produced Sri R. Chandra Reddy, OS and Sri R.C. Malakondaiah, PSC to prove that Petitioner remained absent without any leave or without any intimation during the year 2000 and had put in only 85 musters in 2000. Since absence of the Petitioner was admitted by the Petitioner himself it was the sole duty of the Petitioner to prove that his absence was due to any cogent reason or sufficient cause. Petitioner was unable to prove that his absence during the year 2000 was due to sufficient reason. Though he stated that he was absent due to ill-health but he is not able to provide any evidence or material in support of his illness. Even if it is presumed that Petitioner remained absent due to the ill-health why he did not informed his superiors regarding his illness has

not been explained by the Petitioner. Thus, the finding of the Enquiry Officer that Petitioner's absence during the year 2000 was based on evidence and reasoning and no fault can be found in the finding arrived at by the Enquiry Officer. In his claim petition the Petitioner has alleged that he remained absent due to sudden demise of his brother, however, this plea was not raised before Enquiry Officer nor the Petitioner has produced any material before this Tribunal to prove the demise of his brother as such, this plea is of no help.

9. This tribunal is also of the opinion that the Petitioner remained absent without any intimation to his employer during the year 2000, his absence was without any reasonable or sufficient cause and thereby the Petitioner has committed misconduct mentioned in para 25.25 of the Standing Orders of the company. Point No. 1 is decided accordingly.

10. Point No. 2 : So far as the question of punishment is concerned the Petitioner has not been able to justify his absence during the year 2000, he has voluntarily admitted before the Enquiry Officer that he remained absent during 2000 and though the Respondent management has stated in the counter statement that Petitioner remained absent during the years 1997, 1998 and 1999 but it was not mentioned in the charge sheet. However, this fact was not brought before the Enquiry Officer also. As such, the previous absence can not be taken into consideration but the absence during the entire year 2000 is surely a grave misconduct and management has not committed any mistake in passing the punishment of dismissal against the Petitioner. Learned Counsel for the Respondent has argued that the Petitioner was an unwilling worker who has not cared to perform his duties with sincerity as such, the punishment was proper and interference is not required in this case.

11. I agree with the argument of the Learned Counsel for the Respondent and I am also of the considered opinion that the punishment imposed on the Petitioner is neither excessive nor disproportionate and Petitioner is not deserving for a lenient view to be taken in favour of the Petitioner, nor interference is required in the matter of the punishment. Point No. 2 is decided accordingly.

12. From the above discussion, this tribunal is of the considered opinion that the claim petition is unfounded, no interference is required in this case. Petitioner is not entitled for any relief, petition deserves to be dismissed and it is dismissed. Hence, this award.

Award passed accordingly. Transmit

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her, corrected by me on this the 30th day of June, 2011.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 26 अगस्त, 2011

क्र.आ. 2559.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 56/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-8-2011 को प्राप्त हुआ था।

[सं. एल-22013/1/2011-आई आर (सी-II)]

डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 26th August, 2011

S.O. 2559.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Govt. Indus. Tribunal-cum-Labour Court, Hyderabad (CGIT/LCID/56/2006) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SCCL, and their workman, which was received by the Central Government on 26-8-2011.

[No. L-22013/1/2011-IR(C-II)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT:

Shri Ved Prakash Gaur, Presiding Officer

Dated the 26th day of July, 2011

Industrial Dispute L.C. No. 56/2006

BETWEEN:

Sri Md. Gousuddin,
S/o Md. Ali,
R/o Qt. No. D-209, Laxminagar,
Godavarikhani, Karimnagar,
District-505209

... Petitioner

AND

The General Manager,
M/s. Singareni Collieries
Company Ltd.,
Ramagundum-1 Area,
Ramagundum Division

... Respondents

APPEARANCES:

For the Petitioner : M/s. A.K. Jayaprakash Rao,
M. Govind, K. Ajay Kumar &
Venkatesh Dixit, Advocates.

For the Respondent : Sri M. Shankar Narayan,
Advocate.

AWARD

Sri Md. Gousoddin has filed this petition under Sec. 2A(2) of the I.D. Act, 1947 against the management of M/s. Singareni Collieries Company Ltd., challenging his dismissal order dated 21-10-2005.

2. It is submitted by the Petitioner that he has joined the services of the Respondent company as badli filler on 8-3-1992 and he was absorbed as general mazdoor Category-I in the year 1995, later promoted as general mazdoor Category-II. He was discharging duties as per the instructions of his superiors without any blame till he was illegally dismissed from service by order dated 21-10-2005.

3. Petitioner further submitted that he was issued with a charge sheet dated 13-2-2005 alleging the charge, "Habitual late attendance or Habitual absent from duty without sufficient cause" which amounts to misconduct under Standing Order No. 25(25) for which he has submitted his explanation dated 21-2-2005 denying the allegations. He categorically submitted in his explanation that due to ill-health and family problems he could not attend to duties in the charge sheeted period but without considering the same an enquiry was ordered and a stage managed enquiry was conducted wherein he was denied reasonable opportunity in violation of principles of natural justice. Enquiry Officer has not explained the enquiry proceeding to him. Enquiry was conducted in English language in which Petitioner was not conversant and obtained signatures of the Petitioner on enquiry proceeding which is illegal.

4. Petitioner further submitted that he has produced the medical certificate and fitness certificate before the Enquiry Officer issued by Dr. R. Sharath Kumar, Warangal. Enquiry Officer has not considered the material evidence on record and gave his findings holding the Petitioner guilty of charges which is perverse and biased. Management has issued show cause notice to which Petitioner has submitted his explanation. Petitioner submits that since the date of his dismissal he remained unemployed despite his best efforts for any alternative employment. He prayed this Tribunal to set aside the

dismissal order and direct the Respondent to reinstate the Petitioner into service with continuity of service, back wages and all other benefits.

5. Respondent management has filed counter statement. It is submitted that Petitioner was initially appointed as badli filler on 8-3-1992, later he was drafted as General Mazdoor w.e.f. 1-9-1995 and he worked at GDK No. 1 Incline. He remained absent in 2004 without leave, sufficient cause and he had put in only 17 musters, as such, he was issued with a charge sheet dated 13-2-2005 under the company's Standing Orders No. 25.25 which reads as under :

"Habitual late attendance or habitual absence from duty without sufficient cause."

6. Charge sheet was received by him and acknowledged by him. Petitioner submitted his explanation dated 21-2-2005 which was found not satisfactory, as such enquiry was ordered and notice was sent to Petitioner. On 28-2-2005, Petitioner fully participated in the enquiry, the enquiry was conducted complying principles of natural justice. Petitioner was explained with the procedure of enquiry, he did not take assistance of any co-worker or office bearer and the proceedings were explained in Telugu language and after understanding the proceedings only the Petitioner affixed his signature. As per charge sheet he was absent during the entire period from 1-1-2004 to 31-12-2004 except for 17 days.

7. It was alleged by the Petitioner that he was absent due to ill-health and he alleged that a certificate issued by Dr. R. Sharath Kumar, Civil Asstt. Surgeon, MGM Hospital, Warangal is being produced but failed to produce such certificate or any valid document to substantiate his alleged sickness. His attendance in the year 2001 is 123 musters, in 2002 he has put in 160 musters, in 2003 he has put in 101 musters and in 2004 he has put in 17 musters. After counselling in the year 2005 upto the month of September he has put in 50 musters only. Petitioner was counselled in presence of his family members and trade union leaders and colleagues on 30-3-2005. Petitioner submitted an undertaking assuring that he will put in 22 musters regularly in future. It is submitted that Petitioner was kept under observation from 1-4-2005 to 30-6-2005, but he had put in 10 musters during observation period instead of a minimum of 66 musters. Basing on verification of records and voluntary admission of Petitioner the charge against the Petitioner has been proved. Respondent issued show cause notice dated 26-8-2005 enclosing copy of enquiry proceeding and enquiry report by registered post with acknowledgement due. Petitioner submitted his representation dated 28-9-2005 which was found not satisfactory as such, Respondent was constrained to dismiss him w.e.f. 24-10-2005 vide order dated 20-10-2005.

8. It has been submitted that the Petitioner failed to produce valid documentary evidence to substantiate his

statement of sickness. He would have availed medical facilities provided by the Respondent company. If any workman absent without prior notice it will hamper the work schedule of the Respondent company. It compels the Respondent to take severe action against the unauthorized absentees, as it was taken in the present case of the Petitioner. It has been submitted by Respondent that the case laws reported in State of U.P. and Others Vs. Ashok Kumar Singh and Another 1996(1) SCC 302 and in Ashappa's case are relevant to the present case. Petition and claim statement deserves to be dismissed.

9. Both parties were directed to file their respective evidence. Petitioner filed charge sheet, xerox copy of explanation to charge sheet, show cause notice, copy of enquiry report, copy of enquiry proceeding and dismissal order. Respondent filed documents of enquiry proceeding i.e., charge sheet, enquiry proceeding record, enquiry report, show cause notice, undertaking of petitioner, representation of Petitioner and dismissal order.

10. Petitioner's counsel filed memo on 19-6-2009 stating that he is not disputing the validity and legality of the domestic enquiry held by Respondent, hence the domestic enquiry was held valid and case is fixed for arguments under Sec. 11A of the Industrial Disputes Act, 1947.

11. On the date of hearing Petitioner and counsel were absent, heard Respondent's counsel under Sec. 11A of Industrial Disputes Act, 1947.

12. It appears that Petitioner is not interested to proceed with the case. However, I have gone through the claim statement, counter statement, documents of the both parties and arguments of the Respondent.

13. It is admitted fact that the Petitioner has put in only 17 musters during the year 2004 for which a charge sheet dated 13-2-2005 was issued to the Petitioner against which the Petitioner filed his explanation stating therein that he remained absent because of ill-health. It is also admitted fact that domestic enquiry was conducted and Petitioner participated in the domestic enquiry. On the basis of the report submitted by the Enquiry Officer dismissal order has been passed against the Petitioner which is under challenge. In this case this tribunal has to consider :

- (1) Whether the absence of Petitioner during the year 2004 was for any sufficient and reasonable cause or not and the report of Enquiry Officer is based on evidence or not ?
- (2) Whether the punishment imposed upon the Petitioner is disproportionate to the misconduct committed by the Petitioner ?

14. Point No. 1 : The Petitioner has submitted that he was sick due to which he remained absent during the

year 2004 and put in 17 musters during the year 2004. His statement was recorded by the Enquiry Officer, during course of the enquiry he stated that he worked for 17 days and remained absent for the rest of days in 2004 due to health problems but has not been able to provide any single document before the Enquiry Officer to substantiate his allegations. In his reply dated 21-2-2005 he wrote that he was not keeping good health due to which he could not attend to his duties regularly. As against this, the management has produced Sri N. Seetaram Reddy, Act. POA GdK. No. 1 Incline, and Sri G. Laxminarasiah, Paysheet Clerk to prove that Petitioner remained absent without any leave or without any intimation during the year 2004 from January to December. Since absence of the Petitioner was admitted by the Petitioner himself it was the sole duty of the Petitioner to prove that his absence was due to any cogent or sufficient cause. Petitioner was not able to prove that his absence during the year 2004 was due to sufficient reason. Though he stated that he was absent due to ill-health but he is not able to provide any evidence or proof in support of his illness or treatment for ill-health. Workman has produced xerox copy of Fitness Certificate dated 30-9-2004 alleged to be issued by Dr. R. Sharath Kumar, before this Tribunal. However, this certificate does not disclose the nature of disease workman suffered and period during which Dr. Sharath Kumar treated the workman, as such, this certificate appear to be doctored document. Not only that workman has not proved this certificate either through his affidavit or by producing Dr. Sharath Kumar, as such, this document is of no help to workman. Even if it is presumed for the sake of argument that Petitioner remained absent due to ill-health why he did not inform his superiors regarding the same has not been explained by the Petitioner. Workman himself has admitted his guilt before Enquiry Officer as such, finding of the Enquiry Officer that Petitioner's absence during the year 2004 was based on evidence and reasoning and no fault can be find in the finding arrived at by the Enquiry Officer. There is no perversity in the finding of Enquiry Officer, it is based on evidence.

15. This tribunal is also of the opinion that the Petitioner remained absent without any intimation to his employer during the year 2004 his absence was without any reasonable or sufficient cause and thereby the Petitioner has committed misconduct mentioned in para 25.25 of the Standing Orders of the company. Point No. 1 is decided accordingly.

16. Point No. 2 : So far as the question of punishment is concerned the Petitioner has not been able to justify his absence during the year 2004, he has voluntarily admitted before the Enquiry Officer that he remained absent during 2004 and could attend only 17 musters though the Respondent management has stated in the counter statement that Petitioner remained absent during the year 2001 to 2003 also which was not mentioned in the charge

sheet. However, this fact was not brought before the Enquiry Officer also. As such, the previous absence can not be taken into consideration but the absence in the year 2004 is surely a grave misconduct and management has not committed any mistake in passing the punishment of dismissal against the Petitioner. The Petitioner has raised the plea that the Petitioner could not secure alternative employment after dismissal from the services against which Learned Counsel for the Respondent has argued that Petitioner himself is responsible for his condition of unemployment, the Petitioner was a unwilling worker who has not cared to perform his duties with sincerity as such; the punishment was proper and interference is not required in this case.

17. I agree with the argument of the Learned Counsel for the Respondent and I am also of the considered opinion that the punishment imposed on the Petitioner is neither excessive nor disproportionate and Petitioner is not a deserving person for any lenient view to be taken in favour of the Petitioner. The Petitioner himself is responsible for the starvation of his family members, no interference is required in the matter of the punishment. Point No. 2 is decided accordingly.

18. From the above discussion, this tribunal is of the considered opinion that the claim petition is unfounded, no interference is required in this case. Petitioner is not entitled for any relief, petition deserves to be dismissed and it is dismissed. Hence, this award.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 26th day of July, 2011.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 26 अगस्त, 2011

क्र.आ. 2560.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ग्राम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 96/2007)

को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-8-2011 को प्राप्त हुआ था।

[सं. एल-22013/1/2011-आई आर (सी-II)]
डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 26th August, 2011

S.O. 2560.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Govt. Indus. Tribunal-cum-Labour Court, Hyderabad (CGIT/LCID/96/2007) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SCCL, and their workman, which was received by the Central Government on 26-8-2011.

[No. L-22013/1/2011-IR(C-II)]
D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT:

Shri Ved Prakash Gaur, Presiding Officer

Dated the 2nd day of May, 2011

Industrial Dispute L.C. No. 96/2007

BETWEEN:

Sri Sunkari Ashok,
S/o Samaiah,
C/o Fashion World,
Ganga Reddy Road, Mancherial Post,
Mancherial, District Adilabad ... Petitioner

AND

1. The General Manager,
M/s. Singareni Collieries Company Ltd.,
Bellampalli, Post Bellampalli,
Adilabad District
2. The Managing Director,
M/s. Singareni Collieries Company Ltd.,
Kothagudem Post,
Khammam District ... Respondents

APPEARANCES:

For the Petitioner : M/s. S. Bhagwanth Rao,
Advocate

For the Respondent : M/s. P.A.V.V.S. Sarma &
Vijayalaxmi Panguluri,
Advocates

AWARD

This petition under Sec. 2A(2) of the I.D. Act, 1947 has been filed by Sri Sunkari Ashok, Ex-badli filler to set aside the termination order dated 10-10-2001 and to reinstate the Petitioner workman with full back wages.

2. It is alleged by the Petitioner that father of Petitioner was an employee of Respondent who worked for 15 years and unfortunately died in the year 1995. After demise of father of Petitioner, he was provided employment on compassionate grounds in the year 1996 by Respondent No. 1 vide letter No. P. BPA/85 A/2174 dated 20-7-1996 and he was regularized. The Petitioner has put in 199 musters in 1997, 190 musters in 1998, 199 musters in 1999 and 170 musters in 2000 and the Petitioner could not discharge his duties in the year 2001 due to his ill-health, he used to get knee pains and he submitted his medical certificates.

3. He submitted explanation dated 5-7-2001 and representation dated 24-8-2001 but Respondent did not listen to the representation of the Petitioner and thrown the life of Petitioner on road. That the Petitioner did not receive charge sheet dated 9-5-2001 but came to know only through dismissal order dated 10-10-2001 which is biased. The conduct of enquiry without subsistence allowance is null and void. Proper opportunity was not given to the Petitioner in the enquiry proceeding. Hence, it is prayed that the impugned order dated 10-10-2001 issued by the Respondent No. 1 be declared as illegal and arbitrary and set aside the same consequently directing the Respondents to reinstate the Petitioner into service with all consequential benefits.

4. Management has submitted his reply alleging therein that Petitioner remained absent for the year 2000 which hampered the working of the company, the absence of the Petitioner was without any sufficient cause which is grave misconduct within the Standing Orders 25.25 of the company and dismissal is not bad in the light of the case law reported in 1996(1) SCC 302 State of U.P. and others Vs. Ashok Kumar Singh. Petitioner had put in 160 musters in the year 1997, 199 musters in the year 1998, 103 musters in 1999 and nil musters in the year 2000 as such, he was issued with a charge sheet bearing No. MVK-5/14/2001/1490, dated 9-5-2001 for his absenteeism during the year 2000. Petitioner has not submitted any explanation to the charge sheet as averred by him. Petitioner's contention that he was not afforded proper opportunity is incorrect. Due notices were given to the Petitioner to participate in the enquiry proceeding. The notice was acknowledged by the Petitioner and he participated in the enquiry proceeding. Petitioner did not avail the assistance of co-worker though he was given the opportunity to take the help of a co-worker. Petitioner did not produce any sickness proof, thus he failed to produce any documentary evidence before the Enquiry Officer.

Attendance registers pertaining to the Petitioner for the year 2000 were verified in presence of the Petitioner and it was found that the Petitioner was absent during the year 2000. He intentionally absented himself without any reason or cause. The company has provided medical facilities by establishing hospitals, the Petitioner did not reported to the company hospital for his sickness thus, his submission that he was absent due to ill-health is unfounded. Enquiry Officer has given his finding on the material placed before him by the management and no fault can be find in the enquiry report, it is based on evidence and Petitioner's dismissal order is not disproportionate to the misconduct committed by him since Petitioner was not regular to his duties company has dismissed him which is neither illegal nor invalid. It is submitted that the subsistence allowance will be paid only in case of suspension pending enquiry, which is not applicable to the Petitioner as he was charge sheeted for absenteeism without sanctioned leave or sufficient cause. Hence, the petition be dismissed.

5. Parties were directed to produce documentary evidence in support of their claims. Petitioner has filed xerox copies of dismissal order, representation of the Petitioner dated 12-6-2007 and appointment order. However, the Respondent has filed entire domestic enquiry proceedings file explanation submitted by the Petitioner, enquiry notice, enquiry report, show cause notice issued to him, his explanation against show cause notice and dismissal order.

6. Coming to the point of the legality and validity of domestic enquiry conducted by the management it is pertinent to mention that as the Petitioner has not challenged the legality of the domestic enquiry, case is fixed for arguments under Sec. 11A of the Industrial Disputes Act, 1947, Petitioner counsel called absent and heard argument of Respondent.

7. It appears that Petitioner is not interested to proceed with the case as he has not participated in argument stage. However, I have gone through the claim statement, counter statement, documents of the both parties and arguments of the Respondent.

8. It is admitted fact that the Petitioner remained absent during the year 2000 for which a charge sheet dated 9-5-2001 was issued to Petitioner against which the Petitioner filed his explanation stating therein that he remained absent due to ill-health and family problems. It is also admitted that domestic enquiry was conducted and Petitioner participated in the domestic enquiry. On the basis of the report submitted by the Enquiry Officer dismissal order has been passed against the Petitioner which is under challenge.

9. This tribunal has to consider the following points :

- (1) Whether the absence of Petitioner during the year 2000 was for any sufficient and reasonable cause or not and the report of Enquiry Officer is based on evidence or not ?
- (2) Whether the punishment imposed upon the Petitioner is disproportionate to the misconduct committed by the Petitioner ?

10. Point No. 1 : The Petitioner has submitted that he was ill during the year 2000 due to which he remained absent. His statement was recorded by the Enquiry Officer and during the course of the enquiry he stated that he remained absent from 1-1-2000 to 31-12-2000 due to health problems and family problems. But has not been able to provide a single document before the Enquiry Officer to substantiate his allegations. In his reply dated 5-7-2001 he has not mentioned what was the cause of his ill-health and where did he took treatment. He simply written that his health condition as well as family condition was not good due to which he remained absent during the year 2000. As against this, the management has produced Sri K. V.H.K. Nagender Rao and Sri M. Rambhav, Clerk to prove that Petitioner remained absent without any leave or without any intimation during the year 2000 from January to December. Since absence of the Petitioner was admitted by the Petitioner himself it was the sole duty of the Petitioner to prove that his absence was due to any cogent reason or sufficient cause. Petitioner was unable to prove that his absence during the year 2000 was due to sufficient reason. Though he stated that he was absent due to ill-health but he is not able to provide any evidence or material in support of his illness. Even if it is presumed that Petitioner remained absent due to the ill-health why he did not inform his superiors regarding his illness has not been explained by the Petitioner. Thus, the finding of the Enquiry Officer that Petitioner's absence during the year 2000 was based on evidence and reasoning and no fault can be find in the finding arrived at by the Enquiry Officer.

11. This tribunal is also of the opinion that the Petitioner remained absent without any intimation to his employer during the year 2000, his absence was without any reasonable or sufficient cause and thereby, the Petitioner has committed misconduct mentioned in para 25.25. of the Standing Orders of the company. Point No. 1 is decided accordingly.

12. Point No. 2 : So far as the question of punishment is concerned the Petitioner has not been able to justify his absence during the year 2000, he has voluntarily admitted before the Enquiry Officer that he remained absent during 2000 and though the Respondent management has stated in the counter statement that Petitioner remained absent during the years 1997, 1998 and 1999 but it was not mentioned in the charge sheet. However, this fact was not brought before the Enquiry Officer also. As such, the previous absence cannot be

taken into consideration but the absence during the entire year 2000 is surely a grave misconduct and management has not committed any mistake in passing the punishment of dismissal against the Petitioner. The Learned Counsel for the Petitioner has argued that the Petitioner's family is starving due to dismissal of the Petitioner against which Learned Counsel for the Respondent has argued that Petitioner himself is responsible for the starvation of the family members, the Petitioner was a unwilling worker who has not cared to perform his duties with sincerity as such, the punishment was proper and interference is not required in this case.

13. I agree with the argument of the Learned Counsel for the Respondent and I am also of the considered opinion that the punishment imposed on the Petitioner is neither excessive nor disproportionate and Petitioner is not a deserving person for any lenient view to be taken in favour of the Petitioner. The Petitioner himself is responsible for the starvation of his family members, no interference is required in the matter of the punishment. Point No. 2 is decided accordingly.

14. From the above discussion, this tribunal is of the considered opinion that the claim petition is unfounded, no interference is required in this case. Petitioner is not entitled for any relief, Petition deserves to be dismissed and it is dismissed. Hence, this award.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her corrected by me on this the 2nd day of May, 2011.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 26 अगस्त, 2011

क्र.अ. 2561.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 78/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-8-2011 को प्राप्त हुआ था।

[सं. एल-22013/1/2011-आई आर (सी-II)]

डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 26th August, 2011.

S.O. 2561.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Govt. Indus. Tribunal-cum-Labour Court, Hyderabad (CGIT/LCID/78/2007) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SCCL, and their workman, which was received by the Central Government on 26-8-2011.

[No. L-22013/1/2011-IR(C-II)]
D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT:

Shri Ved Prakash Gaur, Presiding Officer

Dated the 30th day of June, 2011

Industrial Dispute L.C. No. 78/2007

BETWEEN:

Sri Bandela Ravi Kumar,
S/o Pocham,
R/o Budidhigadda,
Bellampalli post, Bellampalli,
District Adilabad ... Petitioner

AND

1. The General Manager,
M/s. Singareni Collieries Company Ltd.,
Area Srirampur, Post Srirampur,
District Adilabad
2. The Managing Director,
M/s. Singareni Collieries Company Ltd.,
(Administration) Kothagudem,
Khammam District ... Respondents

APPEARANCES:

For the Petitioner : Sri S. Bhagwanth Rao,
Advocate

For the Respondent : M/s. P.A. V.V.S. Sarma &
Vijayalaxmi Panguluri,
Advocates

AWARD

This petition under Sec. 2A(2) of the I.D. Act, 1947 has been filed by Sri B. Ravi Kumar, Ex-badli filler to set aside the removal order dated 22-10-1998 and to reinstate the Petitioner workman with full back wages.

2. It has been stated by the Petitioner that his father was an employee of M/s. Singareni Collieries Company Ltd., who met with an accident and expired on

10-1-1995, the Petitioner was appointed on compassionate ground as badli filler. Later on he was served with the charge sheet alleging that Petitioner is habitual absentee and he has committed misconduct under company's Standing Orders Clause 25.25. He was only of 18 years age at the time of appointment. He did not attain majority under Indian Majority Act and he was not able to perform the hard work of badli filler due to his tender age. He put in 202 musters in 1996, 98 musters in 1997, he was issued with a charge sheet in the year 1997 and Petitioner submitted his reply. The Petitioner should not have been given appointment until he would have attained the age of majority. The mother of the Petitioner was entitled to get MMC on the death of the father of the Petitioner, but the management has contravened the rules and regulations of providing MMC to the widow of the deceased employee. The enquiry was conducted in English language which was not known to the Petitioner because he has studied only upto 7th standard. The Enquiry Officer obtained the signature of the Petitioner on white papers and enquiry proceeding were prepared thereafter. The principles of natural justice were not followed while conducting the enquiry. Petitioner's dismissal order dated 22-10-1998 is arbitrary, illegal and against the principles of natural justice. It is submitted that the Respondents reviewed the cases of absenteeism as per settlement dated 21-2-2000. Item No. 26 but his case was not considered. He represented Respondent for employment but no response. Two daughters and entire family members are dependents on Petitioner and he could not secure any job inspite of best efforts. Hence, it is prayed that the dismissal order issued by Respondent be declared as illegal and arbitrary and set aside the same consequently directing the Respondents to reinstate the Petitioner into service with all consequential benefits.

3. Management has filed counter statement wherein they have stated that Petitioner was major at the time of appointment. The Petition has been filed after 9 years of the removal of the Petitioner from the service and thus, the petition is barred by laches and delay as held by Hon'ble Supreme Court of India in the matter of Assistant Executive Engineer, Karnataka Vs. Shivalinga (2002-LLR-O-327). The Petitioner was appointed on compassionate ground on 1-7-1998. The allegation of the Petitioner that he was minor at the time of appointment has been denied by the management. It has been alleged that Petitioner attained the age of majority during the life time of his father and he was major at the time of appointment. Medical examination was conducted to the Petitioner and he was found to be major and fit for performing the job of the colliery. The Petitioner was a habitual absentee and he committed misconduct under company's Standing Orders 25.25 as he remained absent from duty. He put in only 6 musters during 1997 and only 3 musters in the year 1998. Charge sheet was issued and enquiry was conducted. Petitioner has put in 40 musters in 1996, 6 musters in 1997

and 3 musters in 1998. Fair and proper opportunity was afforded to the Petitioner during course of enquiry. Petitioner has participated in the enquiry. He was explained about the procedure of the enquiry proceeding in Telugu language which was known to the Petitioner. The provision of MMC was not applicable in case of the Petitioner as the Petitioner was given appointment soon after the death of his father, he was not kept in waiting because he was major at the time of death of his father. Petitioner remained absent, as such, the disciplinary action has been taken against him in view of case law reported in 2005 LLR 233 (Punjab) Gorakh Nath Singh Vs. The Bank of India and Others and another case 2005 LLR 172 (Delhi) in the matter of Delhi Transport Corporation Vs. Ramesh Chander and case reported in 2005 LLR 483 Haryana State Co-op. Land Development Bank Vs. Neelam and also case law reported in 1996(1) SCC 302 State of U.P. and Others Vs. Ashok Kumar Singh and Another. Petitioner has been explained the procedure of the enquiry in Telugu language, he pleaded guilty of the charges levelled against him. Enquiry report was also provided to the Petitioner along with show cause notice dated 20-9-1998. He acknowledged receipt but not submitted any representation. His attendance in the year 1996 was 40 musters, in 1997 was 6 musters, in 1998 was 3 musters, as such, Respondent was constrained to dismiss the Petitioner from service for unauthorized absenteeism, vide order dated 22-10-1998. As the wife and nominee of the deceased employee opted for employment to her son instead of MMC, the management has provided employment to her son, on being attaining majority as on the date of death of his father as per the records of the company as such, Petitioner's wife is not eligible for any MMC. Petitioner's dismissal order is not disproportionate to the misconduct committed by him since Petitioner was not regular to his duties company has dismissed him which is neither illegal nor invalid. Hence, the petitioner be dismissed.

4. Parties were directed to produce documentary evidence in support of their claims. Petitioner has filed original dismissal order dated 22-10-2008, xerox copies of representation of the Petitioner to Respondent, Petitioner's father's death certificate, municipal identification certificate, letter of Respondent dated 2-9-98, identity card, pay slip for the month of September, 1994, xerox copy of his bonafide-cum-conduct certificate. However, the Respondent has filed charge sheet, acknowledgement of charge sheet, enquiry notice, entire domestic enquiry proceedings file, enquiry report and dismissal order.

5. As the Petitioner has challenged the legality of the domestic enquiry, this Court passed order on 28-6-2010 holding domestic enquiry conducted by the Respondent as legal and valid. Case fixed for arguments under Sec. 11A of the Industrial Disputes Act, 1947, Petitioner and his counsel called absent as such, argument of Respondent's counsel was heard.

6. It appears that Petitioner is not interested to proceed with the case. However, I have gone through the claim statement, counter statement, documents of the both parties and arguments of the Respondent.

7. It is admitted fact that the Petitioner remained absent during the year 1997 for which a charge sheet dated 24-7-1998 was issued to the Petitioner, he acknowledged the receipt of charge sheet and did not submit his explanation to the charge sheet. It is also admitted that domestic enquiry was conducted and Petitioner participated in the domestic enquiry. On the basis of the report submitted by the Enquiry Officer dismissal order has been passed against the Petitioner which is under challenge.

8. This tribunal has to consider the following points :

- (1) Whether the absence of Petitioner during the year 1997 was for any sufficient and reasonable cause or not and the report of Enquiry Officer is based on evidence or not ?
- (2) Whether the punishment imposed upon the Petitioner is disproportionate to the misconduct committed by the Petitioner ?

9. Point No. 1 : The Petitioner has submitted that due to stomach pain during the year 1997 he remained absent. His statement was recorded by the Enquiry Officer and during the course of the enquiry he stated that he remained absent for the period mentioned in charge sheet due to stomach pain. But has not been able to provide any single piece of paper before the Enquiry Officer to substantiate his illness, he has not mentioned what was the cause of his ill-health and from where he took treatment. He simply stated that his health condition was not good due to which he remained absent during the year 1997. As against this, the management has produced Sri M. V. Thamma Rao, OS, Sri V. Yacob, Manway Clerk and Sri M. Jagan, Paysheet Clerk to prove that Petitioner remained absent without any leave or without any intimation during the year 1997 and had put in only 6 musters in 1997. Since absence of the Petitioner was admitted by the Petitioner himself it was the sole duty of the Petitioner to prove that his absence was due to any cogent reason or sufficient cause. Petitioner was unable to prove that his absence during the year 1997 was due to sufficient reason. Though he stated that he was absent due to ill-health, he was suffering from stomach-ache and some people had administered some medicine which deteriorated his health, that he could not digest food what he ate and he had allergy to gas, but he did not provide any evidence or material in support of his illness neither before Enquiry Officer nor before this Tribunal. Even if it is presumed that Petitioner remained absent due to the ill-health why did he not informed his superiors regarding his illness has not been explained by the Petitioner. Thus,

the finding of the Enquiry Officer that Petitioner's absence during the year 1997 was based on evidence and reasoning and no fault can be found in the finding arrived at by the Enquiry Officer.

10. This tribunal is also of the opinion that the Petitioner remained absent without any intimation to his employer during the year 1997, his absence was without any reasonable or sufficient cause and thereby the Petitioner has committed misconduct mentioned in para 25.25 of the Standing Orders of the company. Point No. 1 is decided accordingly.

11. Point No. 2 : So far as the question of punishment is concerned the Petitioner has not been able to justify his absence during the year 1997, he has voluntarily admitted before the Enquiry Officer that he remained absent during the year 1997 and though the Respondent management has stated in the counter statement that Petitioner remained absent during the years 1996, 1997 and 1998 but it was not mentioned in the charge sheet. However, this fact was not brought before the Enquiry Officer also. As such, the previous absence cannot be taken into consideration but the absence during the entire year 1997 is surely a grave misconduct and management has not committed any mistake in passing the punishment of dismissal against the Petitioner. Learned Counsel for the Respondent has argued that the Petitioner was an unwilling worker who has not cared to perform his duties with sincerity as such, the punishment was proper and interference is not required in this case.

12. I agree with the argument of the Learned Counsel for the Respondent and I am also of the considered opinion that the punishment imposed on the Petitioner is neither excessive nor disproportionate and the Petitioner is not deserving for a lenient view to be taken in favour of the Petitioner, no interference is required in the matter of the punishment. Point No. 2 is decided accordingly.

13. From the above discussion, this tribunal is of the considered opinion that the claim petition is unfounded, no interference is required in this case. Petitioner is not entitled for any relief, petition deserves to be dismissed and it is dismissed. Hence, this award.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her, corrected by me on this the 30th day of June, 2011.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 26 अगस्त, 2011

का.आ. 2562.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ. सी. आई. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 19/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-8-2011 को प्राप्त हुआ था।

[सं. एल-22013/1/2011-आई आर (सी-II)]
डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 26th August, 2011

S.O. 2562.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad (CGIT/LCID/19/2005) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of FCI and their workmen, which was received by the Central Government on 26-8-2011.

[No. L-22013/1/2011-IR(C-II)]
D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT:

Shri Ved Prakash Gaur, Presiding Officer

Dated, the 29th day of December, 2010

Industrial Dispute L. C. No. 19/2005

BETWEEN:

Sri Shaik Maheboob Ali,
S/o Ameer Ali,
C/o Sahab Ali, Beside Court Building,
Vidyanagar, Miryalaguda,
Nalgonda District

... Petitioner

AND

1. The Senior Regional Manager,
Food Corporation of India,
Haca Bhawan, Hyderabad.

2. The District Manager,
Food Corporation of India,
Nalgonda, Nalgonda District ... Respondent

APPEARANCES :

For the Petitioner : M/s. Jalli Kanakaiah and Jalli Narendar, Advocates

For the Respondent : M/s. B. G Ravindra Reddy and B. V. Chandra Shekhar, Advocates

AWARD

Sri Shaik Mahaboob Ali has filed this petition under Sec. 2A (2) of the I.D. Act, 1947.

2. It has been alleged by the Petitioner that during the year 1975-76 due to heavy procurement and bumper paddy crop, the Food Corporation of India was entrusted and entered into procurement of the paddy on war footing in 1977 and opened number of procurement centres in the entire state of Andhra Pradesh including Nalgonda district. The Food Corporation of India opened centres at Bhongir, Alern; Chittial, Suruapet, Huzurnagar, Miryalguda, Nidamanuru etc., obtained godowns and opened storage units and also employed local persons to discharge the duty of a storage and procurement of the paddy. The Petitioner was also appointed as casual labour along with many other persons in the year 1976 on daily wage of Rs. 6 per day and he continued to work upto 1981. Thereafter his services were terminated without following the due process of law. It is stated that some of the workers approached this tribunal by raising I.D. 33/1982 and another I.D. which were disposed of and the tribunal was pleased to direct the Respondent to consider the case of the workman of those IDs for re-appointment under Sec. 25H of the Industrial Disputes Act, 1947. The Respondent preferred W.P. Nos. 1618 and 11320 of 1985 which was disposed of after hearing both sides and the Hon'ble High Court also directed Respondent to consider re-appointment of the Petitioners of those cases. It has been further contended that Petitioner of this case could not file any ID due to financial constraints and he was under the impression that the benefit given to the Petitioners of those IDs would also be extended to the Petitioner of the present case. Under same misunderstanding the Petitioner filed W.P. No. 21564/2001 which was disposed of on 2-5-2001. After receiving the order, the Respondent management did not acted upon the direction of the Hon'ble High Court, as such, contempt case was filed which was dismissed hence, the present petition.

3. It has been contended by the Petitioner that he worked along with other co-workers under the direct control of Food Corporation of India. Petitioner was sponsored through District Employment Exchange, Nalgonda. No notice was given to the Petitioner under Sec. 9A of the Industrial Disputes Act, 1947 before termination, as such, the termination order was violative

of the provisions of Industrial Disputes Act, 1947, it is discriminatory, illegal and unjust and deserves to be quashed and the Petitioner deserves to be reinstated or re-employed in the service.

4. Counter statement has been filed by the respondent management stating therein that Petitioner of this case had never worked as casual labour at any point of time in Food Corporation of India. The casual labours who worked in Food Corporation of India had raised an industrial dispute through ID 33/1982 and by virtue of the award passed therein they were considered for the appointment in the corporation. The Petitioner has not worked in the corporation and there is no relation of employee and employer between the Petitioner and the Respondent. The Petitioner along with 12 other persons filed W.P. No. 21564/2000 before Hon'ble High Court of A.P., and Hon'ble High Court has directed the Petitioner to make fresh representation giving all the particulars. He filed contempt case No. 90/2002 which was dismissed. Though the Petitioner has stated in the present ID that he had not filed any ID prior to this petition and he was not a party in ID No. 33/1982, one Mr. Shaik Mahaboob Ali S/o Hussain Sahab filed LCID No. 65/2003 and another ID No. 165/2003 was filed by Mr. Shaik Mahaboob Ali and present ID is also filed by Mr. Shaik Mahaboob Ali, every time he has given different particulars. One Sri Shaik Mahaboob Ali S/o Imam Sahab who had worked as casual labour and who is one of the petitioner of ID No. 33/1982, he was given appointment as watchman. The Petitioner is taking advantage of identity of names with sole intention of gaining employment in the corporation. The Petitioner has filed this petition after 20 years of the alleged disengagement from the service and it is liable to be dismissed on this ground alone.

5. Parties were directed to file their respective evidence. Petitioner Sri Shaik Mahaboob Ali S/o Amir Ali has filed his affidavit in support of his claim statement and has presented himself for cross examination and has been cross-examined at length. Apart from the oral evidence the Petitioner has filed copy of the judgment in W.P. No. 21564/2000 Ex. W1, copy of the letter addressed by Respondent to the Petitioner dated 16-3-2000 Ex. W2 dated 12-6-2001 Ex. W3, memo issued by Respondent dated 14-3-2002 Ex. W4, copy of representation dated 21-4-2001 Ex. W5, copy of order in CC No. 90/2002 dated 19-7-2002 Ex. W6, Copy of the memo dated 14-3-2002 Ex. W7. Respondent has filed affidavit of Sri P. C. Krishna Naik, Area Manager MW1 and has filed the documents Ex. M1 to M10 which have been marked by the MW1 and has presented Sri P. C. Krishna Naik for cross-examination.

6. I have heard Learned Counsels for Petitioner and Respondent and I have gone through the pleadings and evidence available on the record. This tribunal has to consider the following points in the present case :

- (I) Whether the relationship of employee and employer exists between the Petitioner workman and the Food Corporation of India management at any time before filing of this petition ?
- (II) Whether the Petitioner's services were terminated without following the procedure, due process of the law ?
- (III) Whether the Petitioner is entitled for any relief ?

7. Point No. (I) : It has been alleged by the Petitioner in his claim statement that he was engaged for the year 1975-76 as casual labour at Food Corporation of India Nalgonda district along with other casual workers on the payment of Rs. 6 per day as wage. In the year 1981 he was dismissed from the service without following any process and procedure. The Respondent has alleged that the Petitioner has never worked in the Food Corporation of India and no person in the name of Mr. Shaik Mahaboob Ali, S/o Amir Ali has ever been employed in the Food Corporation of India in any of its godowns or storage units. It has been alleged by the Respondent that one Mr. Shaik Mahaboob Ali S/o Imam Saheb was casual labour and he was one of the claimant in ID 33/1982, in which the award was passed in favour of the workmen and they were re-employed by the corporation. Taking advantage of the identity of the name the Petitioner has several times filed claim statement with different contentions. He filed Writ petition before the Hon'ble High Court bearing No. 21564/2000 wherein Hon'ble High Court directed the Petitioner to make fresh representation giving true particulars with reference to their parentage, date of employment and member of writ petition and has further directed the Respondent to consider the case of the Petitioner. It appears that no action was taken by Respondent.

8. The Petitioner of this case filed contempt case No. 90/2002, the Hon'ble High Court has dismissed the contempt petition on the ground that in the earlier W.P. no direction was given by the Hon'ble High Court to pass the order by Respondent in a particular manner. This shows that the contention of the Respondent management that the Petitioner has worked with the management was considered by Hon'ble High Court vide order passed in the Writ Petition and on the basis of the assertion made by the Respondent before Hon'ble High Court the contempt petition was dismissed. It is the responsibility of the Petitioner workman to prove before this tribunal that he has ever worked with the Respondent or the Petitioner of this case was appointed by the Respondent, as casual worker at the rate of Rs. 6 per day in 1976, no document or paper has been filed by the Petitioner nor, the Petitioner has been able to produce a single working employee of the Food Corporation of India in support of

his claim that the Petitioner Mr. Shaik Mahaboob Ali S/o Amir Ali has ever worked along with the working employees of the corporation in Food Corporation of India. No doubt, the Petitioner workman has filed Ex. W1 to W7, to prove that Petitioner was asked to submit original certificate in light of the direction passed in W.P. No. 21564/2000, by Ex. W3 he was informed by the management that appointment has already been given to Mr. Shaik Mahaboob Ali vide proceeding No. Estt/1/2/97 dated 30-12-1997 in terms of the judgement passed in W.P. No. 17766/97 and a fresh appointment does not arise.

9. It has further been informed that if the Petitioner feel that he is right person and the person working with the management is an impersonate person, then the Petitioner was advised to prove his identity through a competent court of law. The Petitioner was not able to produce a single piece of paper to show that he has ever worked in the Food Corporation of India. If the Petitioner has worked in the year 1976—1981 what was the reason not to join the Petitioners of ID No. 33/1982. In case Petitioner was actually retrenched from the service of Food Corporation of India management he would have surely joined with the Petitioners in ID No. 33/1982. His contention that he could not join Petitioners of ID 33/1982 due to financial constraints is nothing but an eye wash. The Petitioner filed W.P. No. 21564/2000 he would have proved before the Respondent Management that he is the right person who has worked with the management and who was entitled for re-employment. The management has specifically informed the Petitioner to prove his identity and challenged the identity of Shaik Mahaboob Ali S/o Imam Saheb but the Petitioner has not taken any step to challenge the identity of Shaik Mahaboob Ali S/o Imam Saheb. There is no other evidence on the record in the form of documentary or in the form of oral evidence to prove that the Petitioner has ever worked as casual labour in the management corporation. The management has produced Sri P. C. Krishna Naik and he has been cross-examined at length by the Petitioner workman's counsel but nothing has come out from the oral testimony of the MW.1 that present Petitioner has ever worked in the organization in the Food Corporation of India management. The Petitioner himself has admitted in his cross examination that Shaik Mahaboob Ali S/o Imam Saheb was given appointment as per I.D. No. 33/1982 this itself is sufficient to prove that the Petitioner of this case does not challenging the identity of Shaik Mahaboob Ali S/o Imam Saheb or he does not claim that Shaik Mahaboob Ali S/o Imam Saheb has impersonated the present Petitioner.

10. The Petitioner has stated in the claim statement that he filed W.P. No. 21564/2000 and also filed contempt petition No. 90/2002 but when he was cross examined and questioned on this point he denied of filing the writ petition or contempt petition. This proves that the Petitioner is not a trust worthy witness and no credence can be given to

the testimony of this witness. The management has filed 10 documents Ex. M1 to M10 which prove that Petitioner has already raised the same dispute before Hon'ble High Court and he was not able to prove his identity or his relationship of master and servant or employer and employee before this court also. The Petitioner has not been able to produce any piece of paper or witness to prove that he has worked in the organization of Food Corporation of India management. Hence, this tribunal is of the opinion that there was no employee and employer relationship between the Petitioner and the management of Food Corporation of India. Point No. (I) is decided accordingly.

11. Point No. (II) : From the discussion of point No. (I) this tribunal is of the conclusion that the Petitioner was never appointed and never worked with the management of Food Corporation of India, hence, he was neither terminated nor retrenched nor disengaged from the service, as such, the question of determination of its legality or otherwise does not arise. Point No. (II) is decided accordingly.

12. Point No. (III) : From the above conclusion and discussion this tribunal is of the opinion that the Petitioner has not been able to establish the relationship of employee and employer nor he has been able to prove that he has ever worked in the Food Corporation of India as casual labour hence, there is no question of his re-employment or reinstatement. He is not entitled for any relief. Point No. (III) is decided accordingly.

13. From the above discussion, this tribunal has come to the conclusion that the Petitioner is not entitled for any relief. Petition deserves to be dismissed, it is dismissed, hence, this award.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 29th day of December, 2010.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for : Witnesses examined for
the Petitioner the Respondent

WW1 : Sri Sk. Mahaboob Ali MW1 : Sri P. C. Krishna Naik

Documents marked for the Petitioner

Ex. W1 : Copy of order of Hon'ble High Court in W.P. No. 21564/2000

Ex. W2 : Copy of Ir. No. IR 32(2)/2000 dt. 16-3-2001 by Respondent to WW1

Ex. W3 : Copy of Ir. No. IR 32(2)/2000 dt. 12-3-2001 by Respondent to WW1

Ex. W4 : Copy of memo No. IR. 32(2)/2000 dt. 14-3-2002 by Respondent to WW1

Ex. W5 : Copy of representation to Respondent dt. 21-4-2001

Ex. W6 : Copy of order of Hon'ble High Court in contempt case No. 90/2002

Ex. W7 : Copy of memo No. IR. 32(2)/2000 dt. 14-3-2002 by Respondent to WW1

Documents marked for the Respondent

Ex. M1 : Copy of order of Hon'ble High Court in W.P. No. 1776/1997 dt. 22-9-1997

Ex. M2 : Copy of order No. Estt. 1/2/1997, dt. 30-12-1997 offer of appointment to Sk. Mahaboob Ali S/o Late Sk. Imam Saheb

Ex. M3 : Copy of memo No. IR. 32(2)/2000 dt. 15-3-2002 by Respondent to concerned Petitioners

Ex. M4 : Copy of counter affidavit filed by Respondent against ID No. 65/2003

Ex. M5 : Copy of counter affidavit filed by Respondent against ID No. 165/2003

Ex. M6 : Copy of order of Hon'ble High Court in W.P. No. 21564/2000

Ex. M7 : Copy of counter affidavit filed by Respondent in W.P. No. 21564/2000

Ex. M8 : Copy of counter affidavit filed by Respondent in contempt case No. 90/2002

Ex. M9 : Copy of order of Hon'ble High Court in contempt case No. 90/2002 dt. 22-2-2002

Ex. M10 : Copy of order of Hon'ble High Court in contempt case No. 90/2002 dt. 19-7-2002

नई दिल्ली, 26 अगस्त, 2011

क्र.आ. 2563.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.एस.एन. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 37/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-8-2011 को प्राप्त हुआ था।

[सं. एल-40012/52/2009-आई आर (डी यू.)]

जोहन तोपनो, अव्वर सचिव

New Delhi, the 26th August, 2011

S.O. 2563.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central

Government hereby publishes the award (Ref. No. 37/2009) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of BSNL and their workman, which was received by the Central Government on 26-8-2011.

[No. L-40012/52/2009-IR(DU)]
JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT :

Shri Ved Prakash Gaur, Presiding Officer

Dated the 8th day of August, 2011

Industrial Dispute No. 37/2009

BETWEEN :

Sri V. Suresh Babu,
Ex-SS(O),
O/o GMTD, BSNL,
J-6, P and T Quarters, Gandhi Colony,
M. G Road, Vijayawada-4 ... Petitioner

AND

1. The Director (HRD),
BSNL Corporate office,
2nd floor, B Wing, Statesman House,
B-148, Barakhamba Road,
New Delhi-1
2. The General Manager,
Telecom District, BSNL,
BSNL Bhawan, Chittugunta,
Vijayawada-10 ... Respondents

APPEARANCES :

For the Petitioner : M/s. A. Raghu Kumar, Basavaiah
and B. Pavan Kumar, Advocates

For the Respondent : Smt. Ch. Lakshmi Kumari, Advocate

AWARD

This industrial dispute has been referred by Government of India, Ministry of Labour by its order No. L-40012/52/2009-IR(DU) dated 23-7-2009 under section 10(1)(d) of the I.D. Act, 1947 for passing an award in the matter between Sri V. Suresh Babu and the management of Bharat Sanchar Nigam Ltd.. The term of reference is as under :

SCHEDULE

"Whether the action of the management of Bharat Sanchar Nigam Ltd., Vijayawada in terminating the

services of Shri V. Suresh Babu, by imposing a penalty of compulsory retirement on him w.e.f. 15-10-2004 is legal and justified? If not, what relief the workman is entitled to?"

The reference is numbered in this Tribunal as I.D. No. 37/2009 and notices were issued to the parties.

2. Workman has submitted claim statement stating therein that after completing his B. Sc. Degree in 1979 he applied for the post of Telecom Office Assistant (TOA) in the Department of Telecommunications New Delhi he was selected on the basis of merit and appointed on 1-12-1980.

3. Consequent of the induction of Cadre Restructuring Scheme and creation of Senior Telecom Operating Assistant cadre he was inducted into cadre of Senior TOA (General) in the year 1996. He appeared for the exam and was qualified for the post of Junior Accounts Officer in the year 2003. After passing of JAO Part-I exam Petitioner was appointed as Junior Accounts Officer from 17-1-2002 to 12-9-2003. Though he was placed as JAO, his actual cadre was SS(O) in Non-executive cadre.

4. He has submitted that while working as JAO at CMTS, Vijayawada during 7-1-2003 to 12-9-2003 one unpleasant incident took place, shortage in collection and remittance of bills took place and charge memo dated 18-2-2004 was issued to the Petitioner with following allegations :

"Article I : That the said Sri V. Suresh Babu while functioning as officiating JAO CMTS, Vijayawada from 7-1-2003 to 12-9-2003 has received and acknowledged receipt of cash and cheques from respective counter clerks of Cellone bill Collection Counter of Citi Telecom Centre, Old Bus Stand Vijayawada as per the daily collection lists of Cellone (Post paid) on 14 different dates from 19-4-2003 to 2-8-2003 but not shown the cash received by him in the receipt side of the cash book bearing number VJ 01000006903 maintained by him w.e.f. 1-4-2003 to 9-9-2003 to the tune of Rs. 68,272 (Rupees sixty eight thousand two hundred seventy two only). Thereby the said Sri V. Suresh Babu, has committed misappropriation to the tune of Rs. 68,272 by not taking the said amount into Cellone revenue account of Vijayawada and caused loss of revenue to the BSNL organization. Thus the said Sri V. Suresh Babu has violated the Rule 3(1)(i); 3(1)(ii) and 3(1)(iii) of Conduct Rules 1964.

"Article II : That the said Sri V. Suresh Babu while functioning as officiating JAO CMTS, Vijayawada from 7-1-2003 to 12-9-2003 has received the cash and cheques as per the daily collection lists from respective counter clerks of Cellone Bill Collection Counters of Citi Telecom Centre (Old Bus Stand); Boyapati Building (TRA unit) and BSNL Bhawan

(O/o the GMTD) Vijayawada but the cash amount recorded by him in the receipt side of the cash book, bearing number VJ 0100006903 maintained by him w.e.f. 1-4-2003 to 9-9-2003, is less to the tune of Rs. 2,67,343 (Rupees two lakhs sixty seven thousand three hundred and forty three only) than that of actually received by him from the said Cellone Bill counters, Vijayawada. Thereby the said Sri V. Suresh Babu has committed misappropriation to the tune of Rs. 2,67,343 by not taking the said amount into the Cellone revenue account of Vijayawada and caused loss of revenue to the BSNL organization. It is also noticed that some of the daily collection lists of the said collection counters were not properly acknowledged by him. Thus the said Sri V. Suresh Babu has violated the Rule 3(1)(i); 3(1)(ii) and 3(1)(iii) of Conduct Rules 1964."

5. Before issuance of the charge sheet in the year 2004 in January the Petitioner was called by superior officers and some vigilance persons and he was advised to accept the charges and pay the amount back to the BSNL so that they would prevail over the Disciplinary Authority and recommend for the lenient view against the Petitioner. Petitioner stated that he did not commit any wrong as such, acceptance of charge does not arise. However, he was allured by the senior officers to accept charges to avoid prolonged enquiry and enquiry proceeding. The Petitioner admitted his guilt and he deposited the deficit amount by selling out his dwelling house and paid the amount in three installments.

6. It is alleged that after receipt of the charge sheet dated 18-2-2004, the Petitioner admitted repayment of amount and owning the responsibility of loss on personal reasons on the fond belief that lenient attitude will be adopted in the matter of punishment but Disciplinary Authority vide proceeding No. X/DGM (P & A) VJ/Disc/Rule-14/VSB/SS(O)/2004-05 dated 28-9-2004 imposed a penalty of compulsory retirement from the service though several other punishments were mentioned which could have been inflicted on the Petitioner. The Petitioner submitted appeal against that punishment order but that appeal was also rejected. (I) The punishment order is violative of Articles 14, 16, 21 and 311 of the Constitution of India, (II) in a similar misconduct committed by one Smt. T. Manikyala Devi, Assistant Accounts Officer in the TR-III of the same district, different penalty was imposed on her and she was not removed from service. Article 311 of the Constitution are violated in the case of the Petitioner as such, the punishment order be quashed and Petitioner be reinstated in the service. Petitioner filed 16 papers along with his claim statement.

7. Respondent management has filed counter statement stating therein that the Petitioner has worked as Junior Accounts Officer as such, his case does not fall

within the purview of Industrial Disputes Act, 1947 and his industrial dispute is not maintainable.

8. It is further been alleged that when the Petitioner was sent to JAO basic course training and Sri N.N.V. Pardhasarathi who has been posted as JAO CMTS. It was noticed that there was short remittance of cash from cellone collections made earlier by Sri V. Suresh Babu in the earlier months and has reported the same to GMTD and the same report has been sent to CGMT, Hyderabad. On the basis of said report vigilance enquiry was ordered. It was found that Sri V. Suresh Babu has manipulated the amounts of cellone collections and misappropriated the amount to a tune of Rs. 3,35,615. On finding the account manipulation Sri V. Suresh Babu was relieved from JAO induction training on 1-10-2003 and was reported to GMTD, Vijayawada. He was posted as SS(O) under DE (Siemens), CTX, Vijayawada on 13-10-2003 and was placed under suspension w.e.f. 13-10-2003.

9. On 10-10-2003, Sri V. Suresh Babu addressed a letter to GMTD, Vijayawada stating therein that he used cellone cash of his personal use which has resulted in short remittance. He further stated that due to some unforeseen circumstances he committed the mistake and he further intimated that he would repay the amount within two months by disposing off his house.

10. He was served with charge sheet under Rule 14 dated 18-2-2004. In reply to charge sheet he wrote a letter dated 8-3-2004. Petitioner admitted the charges and intimated the particulars of repayment of the remittance on the basis of which he was awarded punishment of compulsory retirement. It is further been stated that Petitioner was not regular to his duties prior to this misconduct, he absented for 54 days. Against the charges Petitioner admitted his guilt as such, considering the gravity of the misconduct, punishment of compulsory retirement is neither excessive nor disproportionate.

11. Parties have lead their evidence. Worker Sri V. Suresh Babu has filed his affidavit and appeared for cross examination. Management has filed affidavit of Sri M. Panakala Rao, SDE and produced him for cross examination. Petitioner has marked 16 documents as Ex. W1 to W16. Respondent management has filed documents Ex. M1 and M2.

12. I have heard Learned Counsel for both the parties and I have gone through the evidence on record. This Tribunal has to consider the following points :

(I) Whether the action of management of Bharat Sanchar Nigam Ltd., Vijayawada in terminating the services of Sri V. Suresh Babu by imposing the penalty of compulsory retirement is legal and justified ?

(II) If not, to what relief he is entitled ?

13. **Point No. (I) :** It is undisputed fact that the Petitioner worker while working as JAO during the relevant period from 7-1-2003 to 12-9-2003 a shortage in collection and remittance of post paid cellone subscriptions occurred to a tune of Rs. 3,35,615. It is also undisputed case that Petitioner worker has repaid this amount on detection of deficit.

14. The contention of the Petitioner is that he was allured by the senior officers and assured by them that if the Petitioner will confess his guilt and deposit the amount lesser punishment will be given to him. This material fact was disputed by the Respondent. The Respondent's contention is that no allurement was given to the Petitioner nor any assurance was given to the Petitioner that on his pleading guilty and depositing the amount he will be exonerated or lesser punishment will be imposed on him. Under these circumstances it is the sole responsibility of the Petitioner to prove before this Tribunal that any allurement or assurance was given to the Petitioner by his higher officials. In this connection, the Petitioner has stated on oath in his affidavit that during January, 2004 he was called by superior officers and vigilance persons and was advised to accept the charge and pay back the amount so that lenient view will be taken in the matter. This allurement compelled the Petitioner to accept the charge. However, the Petitioner has not been able to disclose the name of the superior officer who allured the Petitioner or assured him to take lenient view against him. In his cross examination Petitioner has stated that his duty was to receive the amount from the customers and handing it over to the accounts officer. He used to deposit the amount by next day. He has stated that a shortage of Rs. 3,35,615 was recovered. Though, he has stated that he has not misappropriated that amount and he has repaid the amount in three instalments i.e., Rs. 30,000 on 22-1-2004, Rs. 13,009 on 30-1-2004 and Rs. 2,39,077 on 8-3-2004 but on inducement. He has admitted that charge sheet was issued to him and his confession was recorded and punishment of compulsory retirement was imposed on him. This contention and statement on oath of the Petitioner is evident of his having collected the amount but not depositing amount with the accounts officer as per the practice of the Department on the same date or the next date. He collected this amount during 7-1-2003 to 12-9-2003 on 14 different dates. However, he has repaid the amount on later dates. This amply prove that Petitioner collected a sum of Rs. 3,35,615 from different customers on account of post paid bills of cellone being Junior Accounts Officer but he utilized that amount for his personal gain and later on when the matter was detected by another Junior Accounts Officers and report was made, then Petitioner worker through his confession dated 8-3-2004 admitted that he has utilized the amount for his personal work under certain compulsions.

15. He has written a letter stating therein that he committed unfortunate mistake due to his bad time and

under some inexplicable circumstances which he could not avoid or escape from those incidences except to use government money which was available with him at that time. This admission dated 8-3-2004 amply prove that the Petitioner has utilized the government money for his personal gains. Though he might have spent the Government money for his personal gain under any inexplicable circumstances but that does not justify the action of the Petitioner workman to utilize the government money for his personal gains. The Petitioner's admission has been proved by the management witness Sri M. Panakala Rao who has filed xerox copy of the admission of the Petitioner which has been admitted by the Petitioner. Thus, the evidence produced by the management as well as the statement of the Petitioner prove that the Petitioner has misappropriated the government money and thus, on the basis of the admission of the Petitioner provided under Rule 14 of the Service Rules after pleading of the guilty by the Petitioner through his written admission there was no occasion or necessity for holding any Departmental enquiry as held by Hon'ble Supreme Court of India in case laws reported in 2007(4) SCC 492 of Hon'ble Supreme Court, AIR 1992 SC 2188 and 1999(7) SCC 332 wherein Hon'ble Supreme Court has held that when a delinquent employee admits the misconduct or guilt, enquiry is not necessary. Thus in this case holding of the domestic enquiry was not necessary. Rule 14 of Service Rules also states the same that when Petitioner has admitted or confess his guilt the Departmental enquiry is not necessary and on the basis of the confessionary statement management was justified in imposing the punishment on the Petitioner.

16. Learned Counsel for the Petitioner vehemently argued that the management has discriminated the Petitioner and one Smt. T. Manikyala Devi, Assistant Accounts Officer who was also indulged in similar misconduct but she was not dismissed nor removed from the service and minor punishment was imposed on her as such, even if it is proved that Petitioner has misutilised the government fund or government money for a temporary period the imposition of punishment of compulsory retirement is excessive and discriminatory as well, thereby Articles 14, 16, 21 and 311 of the Constitution of India are violated by the management.

17. Against this argument of the Learned Counsel for the worker Learned Counsel for the Respondent has argued that in case of Smt. T. Manikyala Devi the Disciplinary Authority was General Manager, whereas in the case of Petitioner the Disciplinary Authority is D.G.M., thus, there are two different Disciplinary Authorities and if they have taken different view, it cannot be said that any discrimination has been done in the matter of punishment of the Petitioner. Moreover, what were the facts of the case of Smt. T. Manikyala Devi has not been brought forward by Petitioner in this case. How much grave the

misconduct was committed by Smt. T. Manikyala Devi has not been brought by the Petitioner either before his Disciplinary Authority or Appellate Authority or before this Tribunal, as such, it cannot be said that the Petitioner was discriminated by the management.

18. I am fully in agreement with the Learned Counsel for Respondent that the Petitioner cannot claim comparison with Smt. T. Manikyala Devi for the matter of imposition of punishment because he has not been able to produce the material fact of the case of Smt. T. Manikyala Devi as such, this Tribunal cannot take a lenient view in the matter of the grave misconduct of misappropriation of public money which the Petitioner of this case has committed and in the opinion of this Tribunal the management has taken proper decision in imposing the punishment of compulsory retirement on the Petitioner.

19. The present case is that of misappropriation of the government money by a responsible officer of the Bharat Sanchar Nigam Ltd., who has not acted according to the conduct of a government servant and thereby the management has not committed any mistake in compulsorily retiring the Petitioner from the service and the punishment imposed on the Petitioner is neither disproportionate nor excessive. Point No. (I) is decided accordingly.

20. Point No. (II) : Petitioner has not been able to prove that the action of the management in compulsorily retiring him is illegal or unjustified as such, he is not entitled for any relief.

21. From the above discussion, this Tribunal is of the definite conclusion that the action of the management of Bharat Sanchar Nigam Ltd., Vijayawada in terminating the services of Sri. V. Suresh Babu by imposing a penalty of compulsory retirement on him w.e.f. 15-10-2004 is legal and justified and the workman is not entitled for any relief. Reference is answered accordingly.

Award passed. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her, corrected by me on this the 8th day of August, 2011.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for : Witnesses examined for
the Petitioner the Respondent

WW1 : Sri V. Suresh Babu MW1 : Sri M. Panakala Rao

Documents marked for the Petitioner

Ex. W1 : Copy of memo No. X/DGM(A) VJ/Disc/Rule-14 (VSB/SS(O)/2003-04/10 dt. 18-2-2004)

Ex. W2 : Copy of representation of WW1 dt. 8-3-2004

Ex. W3 : Copy of orders of Disciplinary Authority No. X/DGM(P and A) VJ/Disc/Rule-14/VSB/SS(O)/2004-05 dt. 28-9-2004.

Ex. W4 : Copy of appeal of WW1 to R4 dt. 23-11-2004.

Ex. W5 : Copy of orders of Appellate Authority No. GMTD/VJ/VSB/Appel/2004/6 dt. 16-3-2005.

Ex. W6 : Copy of WW1's review petition to R1 dt. 29-3-2007.

Ex. W7 : Copy of orders of R2 No. 201-63/2006-Vig. III dt. 16-7-2007.

Ex. W8 : Copy of Ir. No. BSNL 500-31/2002 CA-II dt. 13-12-2002.

Ex. W9 : Copy of memo No. TA/VIG/61(A)/2003/205/7 in the case of Smt. T. Manikyala Rao, AAO dt. 20-8-2004.

Ex. W10 : Copy of orders No. TA/Inq./Disc./56/1-10/04/MD in case of Smt. T. Manikyala Rao, AAO dt. 30-6-2007.

Ex. W11 : Copy of representation of WW1 to AAO Vijayawada dt. 12-9-2008.

Ex. W12 : Copy of written statement of management.

Ex. W13 : Copy of rejoinder of WW1 before ALC(C), Vijayawada dt. 17-3-2009.

Ex. W14 : Copy of minutes of ALC(C) Vijayawada dt. 17-3-2009

Ex. W15 : Copy of Ir No. 6/21/2008-ALC. VJA dt. 31-3-2009

Ex. W16 : Copy of order No. L-40012/52/2009-IR(DU) dt. 23-7-2009

Documents marked for the Respondent

Ex. M1 : Attested xerox copy of letter dt. 10-10-2003 of WW1 to the Respondent.

Ex. M2 : Attested xerox copy of letter dated 8-3-2004 of WW1 to the Respondent.

नई दिल्ली, 26 अगस्त, 2011

का. आ. 2564.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या 25/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-8-2011 को प्राप्त हुआ था।

[सं. एल-40011/3/2007-आई आर(डीयू)]

जोहन तोपनो, अवर सचिव

New Delhi, the 26th August, 2011

S.O. 2564.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 25/2010) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Department of Post and their workman, which was received by the Central Government on 26-8-2011.

[No. L-40011/3/2007-IR (DU)]
JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 23rd August, 2011

PRESENT :

A. N. JANARDANAN, Presiding Officer

Industrial Dispute No. 25/2010

[In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Superintendent of Post Offices and their Workman].

BETWEEN

Sri P. Thennasi . . . 1st Party/Petitioner

Vs.

The Senior Superintendent of Post Offices
Department of Post,
Dindigul Division,
Dindigul-624001

. . . 2nd Party/Respondent

APPEARANCES :

For the 1st Party/Petitioner : M/s. S. Jothivani,
Advocates

For the 2nd Party/Management : Sri A. Ashok Kumar,
ACGSC

AWARD

The Central Government, Ministry of Labour vide its Order No. L-40011/3/2007-IR (DU) dated 17-5-2010 referred the following Industrial Dispute to this Tribunal for adjudication.

The Schedule mentioned in that order is :

"Whether the action of the management of Senior Superintendent of Post Offices, Dindigul in

termination of the services of Sri P. Thennasi w.e.f. 5-8-1998 is legal and justified ? If not, what relief the workman is entitled to ?"

2. After the receipt of Industrial Dispute, this Tribunal has numbered it as ID 25/2010 and issued notices to both sides. Both sides entered appearance through their Advocates and filed their Claim and Counter Statement as the case may be.

3. The contentions in the Claim Statement briefly read as follows :

Petitioner, a qualified candidate for ED Branch Post Master was appointed as such at I. Vadipatti, A/W Kallimadayam S.O., Dindigul Division on 14-12-1996 as an employment exchange registered hand. On 17-2-1997 the appointment was confirmed w.e.f. from 14-12-1996. He has been working without break in the roll of regular employees. Surprisingly, he was relieved w.e.f. 5-8-1998 mentioning Memo No. BII/IV/dated 25-3-1998 in the relieving report. He has not been issued any order or notice of termination disclosing any reason. There was no any memo of charges issued or an enquiry conducted if termination was on any charge. It is in violation of Article 311(ii) of the Constitution and against principles of natural justice. He had rendered more than 240 days of service. There is unfair labour practice practiced on him. It is also in violation of Section 25F of the ID Act. His many a representation though was replied positively undertaking his absorption it has not been done which is another strategy to prevent his approach before the appropriate authorities for grievance redressal. Hence the claim for his reinstatement with all benefits.

4. Counter Statement contentions briefly read as follows :

When Sri S. Periasamy, ED Branch Post Master. I. Vadipatti was placed under put-off duty from 3-12-1996 petitioner applied for the post on 4-12-1996 and he was permitted to work as such under stop-gap arrangement temporarily w.e.f. 14-12-1996 (AN). It is not a recruitment as per rules. A provisional order of appointment was issued as per No. BII/IV dated 17-2-1997 informing that the provisional appointment would be terminated at any time without assigning any reason and the petitioner has no claim for regular appointment based on his representation dated 10-2-1997 regarding non-receipt of pay and allowances. On the reinstatement of the regular incumbent as per order dated 22-1-1998 petitioner was relieved on 5-8-1998. Notice of termination is not required for the condition already mentioned in the provisional appointment order. He was appointed only on provisional basis as stop-

gap arrangement and has no claim over regular appointment. The claim is to be dismissed.

5. The evidence consists of the oral evidence of WW1 and Ex. W1 to Ex. W3 on the petitioner's side and that of MW1 and Ex. M1 to Ex. M8 all marked on comment on the Respondent's side.

6. Points for consideration :

- (i) Whether the termination of the services of the petitioner w.e.f. 5-8-1998 is legal and justified ?
- (ii) To what relief the concerned workman is entitled ?

Points (i) and (ii) :

7. Heard both sides. Perused the records, documents and written arguments. It is contended, inter alia, on behalf of the petitioner that no notice or notice pay has been paid to the workman before he was terminated from service. There is violation of Section 25F of the ID Act since petitioner has had rendered more than 240 days of service continuously within a period of 12 calendar months. Unfair labour practice is practiced on him. Under Rule 8 of the Service Rules of GDS also an appointee is not liable for termination without a notice given in writing extending to one month.

8. Contra contentions are that the petitioner was appointed only under stop-gap arrangement and was not an appointee following the recruitment procedure. The provisional appointment order specifically contained the stipulation that he is liable to be terminated at any time without any reason and he has no claim for regular appointment. There is no question of issue of notice on termination. Though he has completed 240 days of continuous service the same does not confer any right for his regularization.

9. Though the appointment of the petitioner was, as couched in the provisional appointment order, being only as stop-gap arrangement with a condition that he is liable to be terminated at any time without any reason, the period of the appointment seemed to have lasted for nearly 2 years. It is not disputed that petitioner has completed 240 days of continuous duty during the period which is a duration not within less than 12 calendar months. Petitioner is a workman entitled to the protection of the provision under Section 25F of the ID Act. Admittedly, the said benefit has not been extended to him. Therefore, his termination from service in violation of Section 25F of the ID Act is clearly bad in law and the same is declared null and void. Whether or not the petitioner is entitled to be regularized in service does not come for consideration at this stage. For the violation of Section 25F of the ID Act the termination is bad and accordingly the same is set aside.

10. In a case of termination being held invalid for violation of Section 25F of the ID Act the rule cannot

invariably be automatic reinstatement into service with all or any other benefits including back wages. There may be cases where an order for reinstatement may give rise to administrative difficulties or inconveniences owing to want of a vacancy to accommodate a person to be reinstated. Power of a Court or Tribunal does not exist to direct the executive to create a post in order to accommodate an incumbent. Therefore, in appropriate cases the situation is to be met with an order to pay adequate compensation. Hence in this case the Respondent shall pay the petitioner a sum of Rs. 50,000 as compensation in lieu of reinstatement with other benefits. It is ordered accordingly.

11. Resultantly, it is ordered that the Respondent shall pay petitioner a sum of Rs. 50,000 within 30 days from the date of publication of the award in the Gazette of India, unless the Respondent is pleased to make the payment immediately.

12. The reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 23rd August, 2011).

A. N. JANARDANAN, Presiding Officer

Witnesses Examined :

For the 1st Party/Petitioner : WW1, Sri P. Thennasi
For the 2nd Party/Respondent : MW1, Sri M. Bala-krishnan

Documents Marked :

On the Petitioner's side :

Ex. No.	Date	Description
Ex. W1	6-12-1996	Copy of the order of put-off duty issued by the Senior Superintendent of Post Offices, Dindigul Division
Ex. W2	16-12-1996	Copy of the receipt for payment made to Salem Postal Employees Cooperative Society
Ex. W3	25-8-1998	Copy of the delivery charges report

On the Management's side :

Ex. No.	Date	Description
Ex. M1	3-12-1996	SSPOs, Dindigul Memo No. BII/BO/IV dated 3-12-1996
Ex. M2	4-12-1996	Request of the petitioner, for employment as CDSBPM, I Vadipatti BO

Ex. No.	Date	Description
Ex. M3	6-12-1996	SSPOs, Dindigul Memo No. BII/BO/TV dated 4-12-1996 in which the petitioner was placed under stop-gap arrangement
Ex. M4	14-12-1996	Charge report for transfer of charges of GDS BPM, I. Vadipatti BO to the petitioner on stop gap arrangement
Ex. M5	10-2-1997	Request of the petitioner for pay and allowances from 14-12-1996
Ex. M7	17-2-1997	Provisional appointment order issued to the petitioner
Ex. M8	22-1-1998	Order of revocation from Put-Off Duty issued to the regular incumbent Sri S. Periyasamy

नई दिल्ली, 26 अगस्त, 2011

क्र.आ. 2565.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक विभाग के प्रबंधन के संबंध में निदेशों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या सीजीआईटी/एनजीपी/207/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-8-2011 को प्राप्त हुआ था।

[सं. एल-40012/59/2000-आई आर (डीयू)]
जोहन तोपनो, अवर सचिव

New Delhi, the 26th August, 2011

S.O. 2565.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/NGP/207/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Department of Post and their workman, which was received by the Central Government on 26-8-2011.

[No. L-40012/59/2000-IR (DU)]
JOHAN TOPNO, Under Secy.

ANNEXURE

**BEFORE SHRI J. P. CHAND, PRESIDING
OFFICER, CGIT-CUM-LABOUR COURT,
NAGPUR**

Case No. CGIT/NGP/207/2000 Date: 12-8-2011

Party No. 1 : The Supdt. of Post Office,
Nanded Division, Nanded
(M.S.) 431602

Versus

Party No. 2 : Shri Gangabishma Sopanrao Lute
Through Secy. Bhartiya E.D. Emp.
Union, Mastanpura,
Nanded (M.S.) 431602

AWARD

(Dated : 12th August, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of the Supdt. of Post Office, Nanded and their workman, Shri Gangabishma Sopanrao Lute, for adjudication, as per letter No. L-40012/59/2000-IR (DU) dated 31-5-2000, with the following Schedule :

SCHEDULE

"Whether the action of the management of Supdt. of Post Office, Nanded Division., Nanded in terminating the services of Shri Gangabishma Sopanrao Lute, Ex-EDBPM Shevdi BO (Loha), is legal proper and justified ? If not, to what relief is the workman entitled and from which date ? What other direction are necessary in the matter ?"

2. Being notice, the workman, Shri Gangabishma Sopanrao Lute ("the workman" in short) filed the statement of claim through his union, Bhartiya E.D. Employees Union ("the union" in short) and the management of Superintendent of Post Office, Nanded Division, ("the party No. 1) filed the written statement.

The case of the workman as projected by the union in the statement of claim is that the workman entered into the service of the Postal Department as Branch Post Master ("BPM" in short) Sewadi on 16-11-1993 and he had been called for such appointment, through the Employment Exchange, Nanded and as he had been appointed as a Branch Post Master, his name was removed from the waiting list of unemployed candidates and during the tenure of his service, the Competent Authority, i.e. Assistant Supdt. of Post Offices and Mail Overseer inspected his office at regular interval and gave him "satisfactory work result" and there was no public complaint against him during his service period, but on 1-11-1995, his services were terminated without giving him any opportunity to submit any explanation and he was assured by the competent authority that he would be engaged in the service, some where else in Nanded Division and believing the words of the authority, he did not raise any objection and after waiting for a considerable period of time, he visited the competent authority time and again for his appointment in service and though post were vacant, he was not given any appointment and after termination of his services, another candidate was appointed in the said post, which shows that the post of

B.P.M. of Sewadi was vacant on the date of his termination and during the period of his service, he had been paid the salary of Rs. 275 plus admissible dearness and the termination of his service is unfair and due to over age and removal of his name from the list of unemployed candidates of employment exchange, he lost the employment opportunity in state and central government and at the time of termination of his services, no compensation was paid to him and he has no source of income to maintain himself. Prayer has been made to declare the termination of the service of the workman to be illegal and reinstatement in service with full back wages.

3. The party No. 1 in the written statement has pleaded inter-alia that the postal department is not an industry and the workman was engaged on temporary provisional and ad hoc basis as Extra-departmental B.P.M., Sewadi Branch as the regular employee was on put off duty on account of institution of a criminal case against him, but the name of the workman was not sponsored by the Employment Exchange, Nanded and the services of the workman was terminated on 1-11-1995 and there was no question of giving him opportunity for further appointment and he knew very well that his services would be brought to an end at point of time and no assurance was given to the workman by the competent authority for his re-engagement and no post was vacant and another person was not appointed after the termination of the service of the workman and the regular employee was acquitted by the court and hence, he was reinstated in service, due to which, the temporary and ad hoc appointment of the workman was brought to an end and he stood terminated and the workman knowing fully well that his appointment was temporary and liable to be terminated at any point of time, he accepted the appointment and as such, he is estopped from challenging the same and his termination is legal and justified and apart from the same, the workman being engaged on temporary ad hoc basis, he has no right to seek regularization in service as well as reinstatement and as he did not put three years of service, as per the Government G.R. dated 18-5-1979 and on that count also, the workman is not entitled for any relief.

4. Before deliving into the merit of the case, I think it proper to deal with the objection raised by the management that post office is not an industry. It is necessary to mention here that the Hon'ble Apex Court have held that post office is an industry, within the definition of "industry", because it is engaged in commercial activity (in this regard the decision of the Apex Court as reported in 1997(8) SCC 767, GM. Telecom Vs. A. Srinivasrao may kindly be referred to).

5. The workman has examined himself as a witness in support of his claims. He has reiterated the facts mentioned in the statement of claim in his evidence. He

has further stated that he had completed more than 240 days of continuous work with the party No. 1 and instead of making him permanent, the party No. 1 terminated his services w.e.f. 1-11-1995, illegally and without following the due procedure of law, as provided under Section 25F and 25G of the Act and as such, the termination of his services is illegal and he is entitled for reinstatement in service with continuity and back wages. In his cross-examination, he has stated that though he had registered his name in the employment exchange, he had not renewed the same and he cannot produce the employment exchange card and also cannot assigned any reason for the same and he was appointed on temporary basis in 1993 as Extra Departmental Branch Post Master ("EDBPM" in short). He has also admitted that one Atmaram was working as the Branch Post Master of Sewadi prior to him and a case u/s. 302 IPC was subjudiced against Atmaram and as the murder case was going on against Atmaram, he came to be appointed in his place. He has further stated that he cannot say as to whether during the pendency of the case of Shri Atmaram, pension was given to him and in his place, his son, Chintamani was appointed. He has also admitted that as Atmaram was reinstated in service, his service was terminated and he has not filed the appointment letter issued in his favour

6. It is necessary to mention here that after closure of the evidence from the side of the workman, the party No. 1 was given chances for adducing evidence on its behalf and party No. 1 filed the affidavit of one Balaji at the first instant, but subsequently it filed the affidavit of witness N. V. Prakashrao. However, the said witness was also not produced for cross-examination and as such, the evidence of the witness on affidavit was expunged. The party No. 1 also did not advance any argument in support of its claim.

7. In the written notes of argument, it was submitted by the learned advocate for the workman that though the workman had completed more than 240 days of continuous service, the party No. 1 illegally terminated his services w.e.f. 1-11-1995, without following the procedure under Section 25F of the Act and engaged a fresh hand in the said post, in violation of the provision of Section 25H of the Act and as he joined the union, his services were terminated by way of victimization and as such, the workman is entitled for reinstatement in service with continuity and full back wages.

8. Admittedly, in this case, no document has been filed by the parties in support of their respective claims. It is well settled that if a party challenges the legality of an order, the burden lies upon him to prove the illegality of the order and if no evidence is produced, the party invoking the jurisdiction of the court must fail. In this case, the workman has challenged the order of termination of his services. However, he has not filed a single document in support of his claim. In his evidence, he has admitted

that due to the initiation of criminal case against Atmaram, who was working as the BPM, he came to be appointed in his place and as Atmaram was reinstated in service, his services were terminated. Such admission by the workman supports the claim of the management that the workman was appointed temporarily in place of Atmaram as Atmaram was involved in a criminal case and as the regular employee was acquitted by the court and was reinstated in service, the ad hoc temporary appointment of the workman was terminated. Hence, it is held that the termination of the workman cannot be held as a retrenchment so as to attract the provisions of Sections 25F, 25G and 25H of the Act. In view of the discussions made above and the evidence on record, I find no force in the contentions raised by the learned advocate for the workman.

Hence, it is ordered :

ORDER

The action of the management of Supdt. of Post Office, Nanded Divn., Nanded, in terminating the services of Shri Gangabhisma Sopanrao Lute, Ex-EDBPM Shevdi BO (Loha), is legal, proper and justified. The workman is not entitled to any relief.

J. P. CHAND, Presiding Officer

नई दिल्ली, 26 अगस्त, 2011

का.आ. 2566.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या सीजीआईटी/एनजीपी/203/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-8-2011 को प्राप्त हुआ था।

[सं. एल-40012/58/2000-आई आर (डीयू)]

जोहन तोपनो, अवर सचिव

New Delhi, the 26th August, 2011

S.O. 2566.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/NGP/203/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Department of Post and their workman, which was received by the Central Government on 26-8-2011.

[No. L-40012/58/2000-IR (DU)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE SHRI J. P. CHAND, PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/203/2000

Date: 12-8-2011

Party No. 1 : The Supdt. of Post Office, Nanded Division, Nanded (M.S.) 431602

Versus

Party No. 2 : Shri Gaikwad Gopinath Bhoju, Through Sh. Javed Anwar, Secy., Bhartiya E.D. Emp. Union, Mastanpura, Nanded (M.S.) 431602

(WARD

(Dated : 12th August, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of the Supdt. of Post Office, Nanded and their workman, Shri Gaikwad Gopinath Bhoju, for adjudication, as per letter No. L-40012/58/2000-IR (DU) dated 30-5-2000, with the following Schedule :

SCHEDULE

"Whether the action of the management of Supdt. of Post Office, Nanded Divn., Nanded in terminating the services of Shri Gaikwad Gopinath Bhoju, Ex-EDDA, Karegaon, BO (Loha) is legal proper and justified? If not, to what relief is the workman entitled and from which date? What other directions are necessary in the matter?"

2. Being noticed, the workman, Shri Gopinath Bhoju Gaikwad ("the workman" in short) filed the statement of claim, through his union, Bhartiya E.D. Employees Union ("the Union" in short) and the management of Superintendent of Post Office, Nanded Division, ("the party No. 1 in short) filed the written statement.

The case of the workman as projected by the union in the statement of claim is that the workman entered into the service of the Postal Department as Extra Departmental Delivery Agent ("EDDA" in short), Karegaon on 17-5-1993 and he had been called for such appointment, through the Employment Exchange, Nanded and as he had been appointed as an EDDA, his name was removed from the waiting list of unemployed candidates and during the tenure of his service, the Mail Overseer and other postal authority inspected his delivery work with satisfactory result and there was no public complaint against him during his service period,

but on 5-1-1995, his services were terminated and another candidate was appointed in his place, without giving him any opportunity to submit any explanation and nobody communicated him the reason of termination of his services and he was assured by the competent authority that he would be engaged as EDDA within a short period in the postal division but he had not been given any appointment by the party No. 1 and during the period of his service, he had been paid the salary of Rs. 275 plus admissible dearness and the termination of his service is unfair and due to over age and removal of his name from the list of unemployed candidates of employment exchange, he lost the employment opportunity in State and Central Government and at the time of termination of his services, no compensation was paid to him and he has no source of income to maintain his family. Prayer has been made to declare the termination of the service of the workman to be illegal and reinstatement in service with full back wages.

3. The party No. 1 in the written statement has pleaded inter alia that the postal department is not an industry and the workman was engaged on temporary and provisional basis as EDDA, Karegaon Branch on 17-5-1993, in place of the regular employee, who was placed under put off duty for disciplinary action against him, but the name of the workman was not sponsored by the employment exchange, Nanded and the services of the workman was terminated on 5-1-1995 as the regular incumbent, who was on put off duty came to be reinstated and there was no question of giving him opportunity for further appointment and he knew very well that his services would be brought to an end at point of time and no assurance was given to the workman by the competent authority for his re-engagement and no post was vacant and another person was not appointed after the termination of the service of the workman and the regular employee was reinstated in service, due to which, the temporary and ad hoc appointment of the workman was brought to an end and he stood terminated and the workman knowing fully well that his appointment was temporary and liable to be terminated at any point of time, he accepted the appointment and as such, he is stopped from challenging the same and his termination is legal and justified and apart from the same, the workman being engaged on temporary ad hoc basis, he has no right to seek regularization in service as well as reinstatement and as he did not put three years of service, as per the Government G.R. dated 18-5-1979 and on that count also, the workman is not entitled for any relief.

4. Before delving into the merit of the case, I think it proper to deal with the objection raised by the management that post office is not an industry. It is necessary to mention here that the Hon'ble Apex Court have held that post office is an industry, within the definition of

"industry", because it is engaged in commercial activity. (In this regard the decision of the Hon'ble Apex Court as reported in 1997(8) SCC 767, G.M. Telecom Vs. A. Srinivasrao may kindly be referred to).

5. It is necessary to mention here that though the workman was given opportunities to adduce evidence, no evidence was adduced by him. Though party No. 1 filed the affidavit of K.K.K. Kutty at first and then the affidavit of Nandlal and lastly the affidavit of N. V. Prakashrao, the witnesses were not produced for their cross-examination and as such the same cannot be taken for consideration. It is also necessary to mention that the management did not advance any argument.

6. In the written notes of argument, it is submitted by the learned advocate for the workman that though the workman had completed more than 240 days of continuous service, the party No. 1 illegally terminated his services w.e.f. 5-1-1995, without following the procedure under Section 25F of the Act and engaged a fresh hand in the said post, in violation of the provision of Section 25H of the Act and as he joined the union, his services were terminated by way of victimization and as such, the workman is entitled for reinstatement in service with continuity and full back wages.

7. It is well settled that if a party challenges the legality of an order, the burden lies upon him to prove the illegality of the order and if no evidence is produced, the party invoking the jurisdiction of the court must fail and the dispute referred by the Government cannot be answered in favour of the workman and he would not be entitled to any relief.

8. In this case, though the workman has challenged the legality of the order of termination of his service, neither he has adduced any oral evidence nor any documentary evidence in support of his claim.

Applying the settled principles as mentioned above to the present case at hand, it is found that as the workman has failed to adduce any evidence, he is not entitled to any relief. Hence, I find no force in the contentions raised by the learned advocate for the workman. Hence, it is ordered :

ORDER

The action of the management of Supdt. of Post Office, Nanded Divn., Nanded, in terminating the services of Shri Gaikwad Gopinath Bhoju, Ex-EDDA, Karegaon, BO (Loha), is legal, proper and justified. The workman is not entitled to any relief.

J. P. CHAND, Presiding Officer

नई दिल्ली, 26 अगस्त, 2011

क्र.आ. 2567.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डाक विभाग के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण एवं त्रय न्यायालय, नागपुर के पंचाट (संदर्भ संख्या सीजीआईटी/एनजीपी/206/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-8-2011 को प्राप्त हुआ था।

[सं. एल-40012/61/2000-आई. आर. (डी यू.)]

जोहन तोपनो, अवर सचिव

New Delhi, the 26th August, 2011

S.O. 2567.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/NGP/206/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Department of Post and their workman, which was received by the Central Government on 26-8-2011.

[No. L-40012/61/2000-IR(DU)]

JOHAN TOPNO, Under Secy.

ANNEXURE

**BEFORE SHRI J. P. CHAND, PRESIDING
OFFICER, CGIT-CUM-LABOUR COURT,
NAGPUR**

Case No. CGIT/NGP/206/2000

Dated, 12th August, 2011

Party No. 1 :

The Supdt. of Post Office,
Nanded Division, Nanded,
(M.S.) 431602

Versus

Party No. 2 :

Shri Dharmaji Digamber Akamwar,
Through Secy., Bhartiya E.D. Emp.
Union, Mastanpura, Nanded,
Maharashtra-431602

AWARD

(Dated : 12th August, 2011)

In exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of the Suptd. of Post Office, Nanded and their workman, Shri Dharmaji Digamber Akamwar, for

adjudication, as per letter No. L-40012/61/2000-IR (DU) dated 31-5-2000, with the following Schedule :

SCHEDULE

"Whether the action of the management of Suptd. of Post Office, Nanded Division, Nanded in terminating the services of Shri Dharmaji Digamber Akamwar, Ex-EDBPM Choramba BO (Hadgaon) is legal and justified ? If not, to what relief is the workman entitled and from which date ? What other direction are necessary in the matter ?"

2. Being noticed, the workman, Shri Dharmaji Digamber Akamwar ("the workman" in short) filed the statement of claim through his union, Bhartiya E.D. Employees Union ("The Union" in short) and the management of Superintendent of Post Office, Nanded Division, ("the party No. 1" in short) filed the written statement.

The case of the workman as projected by the union in the statement of claim is that the workman entered into the service of the Postal Department as Branch Post Master ("BPM" in short) Choramba on 26-05-1998 and he had been called for such appointment, through the Employment Exchange, Nanded and as he had been appointed as a Branch Post Master, his name was removed from the waiting list of unemployed candidates and during the tenure of his service, the Competent Authority, i.e. Assistant Suptd. of Post Offices and Mail Overseer inspected his office at regular interval and gave him "satisfactory work result" and there was no public complaint against him during his service period, but on 16-6-1999, his services were terminated without giving him any opportunity to submit any explanation and he was assured by the competent authority that he would be engaged in the service, some where else in Nanded Division and believing the words of the authority, he did not raise any objection and after waiting for a considerable period of time, he visited the competent authority time and again for his appointment in service and though posts were vacant, he was not given any appointment and after termination of his services, another candidate was appointed in the said post, which shows that the post of B.P.M. of Sewadi was vacant on the date of his termination and during the period of his service, he had been paid the salary of Rs. 275 plus admissible dearness and the termination of his services is unfair and due to overage and removal of his name from the list of unemployed candidates of employment exchange, he lost the employment opportunity in State and Central Government and at the time of termination of his service, no compensation was paid to him and he has no source of income to maintain himself. Prayer has been made to declare the termination of the service of the workman to be illegal and reinstatement in service with full back wages.

3. The party No. 1 in the written statement has pleaded inter alia that the postal department is not an

industry and the workman was engaged on temporary provisional and ad hoc basis w.e.f. 26-5-1998 as Extra-departmental B.P.M., Choramba Branch but the name of the workman was not sponsored by the employment exchange, Nanded and the services of the workman was terminated on 16-6-1999 and there was no question of giving him opportunity for further appointment and he knew very well that his services would be brought to an end at any point of time and no assurance was given to the workman by the competent authority for his re-engagement and no post was vacant and another person was not appointed after the termination of the service of the workman and the workman was engaged as EDBPM on temporary provisional and ad hoc basis, as the post fell vacant due to the sudden demise of the regular incumbent and to complete the normal recruitment process some time was necessary, during which period the work of the post office could not be held in abeyance in public interest and as such, as per the recruitment rules the workman was appointed on ad hoc, temporary basis and son of the deceased had applied for compassionate appointment and the authorities considered his case and accordingly the son of the deceased employee was appointed on regular basis as EDBPM, Choramba, due to which, the temporary ad hoc appointment of the workman was brought to an end and he stood terminated and the workman knowing fully well that his appointment was temporary and liable to be terminated at any point of time, he accepted the appointment and as such, he is estopped from challenging the same and his termination is legal and justified and apart from the same, the workman being engaged on temporary ad hoc basis, he has no right to seek regularization in service as well as reinstatement and as he did not put three years of service, as per the Government G.R. dated 18-5-1979 and on that count also the workman is not entitled for any relief.

4. Before delving into the merit of the case, I think it proper to deal with the objection raised by the management that the post office is not an industry. It is necessary to mention here that the Hon'ble Apex Court have held that post office is an industry, within the definition of "industry", because it is engaged in commercial activity (In this regard the decision of the Apex Court as reported in 1997 (8) SCC 767, G M. Telecom Vs. A. Srinivasrao may kindly be referred to).

5. The workman has examined himself as a witness in support of his claim. He has reiterated the facts mentioned in the statement of claim in his evidence. He has further stated that he had completed more than 240 days of continuous work with the Party No. 1 and instead of making him permanent, the Party No. 1 terminated his services w.e.f. 16-6-1999, illegally and without following the due procedure of law as provided under Sections 25-F and 25-G of the Act and as such, the termination of his services is illegal and he is entitled for reinstatement in service with continuity and back wages. In his cross-examination, the

workman has admitted that he has not filed the employment exchange card and he cannot assign any reason for non-filing of the said card and he had not received any order from the employment exchange that he had been called for by the post office, Coramba for engagement of EDBPM and he had received the appointment order from the post office, but he has not filed the same and he cannot assign any reason for the same. He has also admitted that Gangapandurang was working as EDBPM of Coramba and he died and he had received an interview letter for his appointment in Coramba village from the postal department but he has not filed the same.

6. It is necessary to mention here that after closure of the evidence from the side of the workman, the party No. 1 was given chances for adducing evidence on its behalf and Party No. 1 filed the affidavit of one K. Krishna Kutty at the first instant, but subsequently it filed the affidavit of witness Nandlal and lastly filed affidavit of N. V. Prakashrao. However, the said witness was not produced for cross-examination and as such, his evidence on affidavit was expunged. The management also did not advance any argument in support of its claim.

7. In the written notes of argument, it is submitted by the learned advocate for the workman that though the workman had completed more than 240 days of continuous service the Party No. 1 illegally terminated his services w.e.f. 16-6-1999, (wrongly mentioned as 1-11-1995 in written notes of argument) without following the procedure under Section 25-F of the Act and engaged a fresh hand in the said post in violation of the provision of Section 25-H of the Act and as he joined the union, his services were terminated by way of victimization and as such, the workman is entitled for reinstatement of service with continuity and full back wages.

8. Admittedly in this case no document has been filed by the parties in support of their respective claims. It is well settled that if a party challenges the legality of an order the burden lies upon him to prove the illegality of the order and if no evidence is produced, the party invoking the jurisdiction of the court must fail. In this case, the workman has challenged the order of termination of his services. However, he has not filed a single document in support of his claim. In his evidence, he has admitted that Gangapandurang was working as EDBPM of Coramba and he died. This witness has denied the suggestion that after the death of Ganga Pandurang, he was appointed and that Ashok, the Son of Ganga Pandurang got regular appointment as EDPBM, so his services were terminated. The workman has not filed any document in regard to his appointment and termination of his services and he has also admitted that he cannot assign any reason for the same. The admission of the workman that Gangapandurang was working as EDBPM and he died, supports the claim of the Party No. 1 to some extent. Hence, it is held that the termination of the workman cannot be held

retrenchment, so as to attract the provisions of Sections 25-F, 25-G and 25-H of the Act. In view of the discussions made above and the evidence on record, I find no force in the contentions raised by the learned advocate for the workman. Hence, it is ordered :

ORDER

The action of the management of Suptd. of Post Office, Nanded Divn., Nanded, in terminating the services of Shri Dharmaji Digamber Akamwar, Ex-EDBPM, Choramba BO (Hadgaon), is legal, proper and justified. The workman is not entitled to any relief.

J. P. CHAND, Presiding Officer.

नई दिल्ली, 26 अगस्त, 2011

क.अ. 2568.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेशन कमांडर के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या सीजीआईटी/एनजीपी/296/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-8-2011 प्राप्त हुआ था।

[सं. एल-14012/16/2000-आई आर (डीयू).]

जोहन तोपनो, अवर सचिव

New Delhi, the 26th August, 2011

S.O. 2568.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/NGP/296/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Station Commander and their workman, which was received by the Central Government on 26-8-2011.

[No. L-14012/16/2000-IR(DU)]

JOHAN TOPNO, Under Secy.

ANNEXURE

**BEFORE SHRI J. P. CHAND, PRESIDING
OFFICER, CGIT-CUM-LABOUR COURT,
NAGPUR**

Case No. CGIT/NGP/296/2000

Dated, 10th August, 2011

Party No. 1 :

The Station Commander, 14, C&MU, Airforce (CSD Canteen), Sonegaon, Nagpur-440001

Versus

Party No. 2 :

Shri Ashok S. Khonde, Shivajinagar, P.O. : Airport, Nagpur-440001

AWARD

Dated : 10th August, 2011

In exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Dispute Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of the Station Commander, C&MU, Airforce and their workman, Shri Ashok S. Khonde, for adjudication, as per letter No. L-14012/16/2000-IR (DU), dated 25-9-2000, with the following Schedule :

SCHEDULE

"Whether the action of the management of Station Commander, 14, C&MU, Airforce (CSD Canteen), 44 Wing Airforce, Sonegaon, Nagpur in terminating the services of Shri Ashok S. Khonde, Ex-workman w.e.f. 30-10-98 is legal, proper and justified ? If not, to what relief is the workman entitled and from which date ?"

2. On receipt of the reference, notices were sent to the parties for filing of their respective statement of claim and written statement, in response to which, the workman Shri Ashok S. Khonde ("the workman" in short) filed the statement of claim and the management of the Station Commander, 14, C&MU, Airforce (CSD Canteen) ("the party No. 1" in short) filed the written statement.

The case of the workman as projected in the statement of claim is that he came to be appointed as a helper in the store department of the canteen of the Airforce w.e.f. 6-6-1991 on full time basis and though he was engaged on full time basis, he was not being paid the minimum wages for the same and the party No. 1 is a Industry in view of its commercial activities where different articles, starting from sugar to liquor are being sold and he is a workman and when he demanded for payment of the minimum wages, regularization in service, medical and other facilities, the party No. 1 being enraged, terminated his service w.e.f. 30-10-1998. The further case of the workman is that in the year 1994 and in the year 1997 also, the party No. 1 without any reason and information had terminated his services and on 29-9-1994 and 20-1-1997, there were settlements between him and party No. 1, before the Assistant Labour Commissioner (Central), Nagpur during conciliation and by virtue of such settlements he had been taken back in work and as the termination of his services on 30-10-1998 is illegal and the same is being without following the legal provisions as provided in the Act, he is entitled for reinstatement in service with continuity and full back wages.

3. The Party No. 1 has pleaded in the written statement inter-alia that the workman was appointed orally in the capacity of a casual helper in the Unit Run Canteen ("URC" in short) of the then 44 wing, Airforce Station, Sonegaon,

Nagpur w.e.f. 6-6-1991 and initially he was paid Rs. 150 towards his monthly wages and he was in continuous employment till 30-3-1994 and from 1-4-1994 onwards, he remained absent without any intimation to the URC management and on 1-8-1994, the workman made a complaint before the ALC (Central), Nagpur, alleging that his services were terminated without assigning any reason and it had submitted its written statement on 24-8-1994 before the ALC, stating that the workman was never a regular employee and he was a part time worker on temporary basis and he was to work for 3 hours per day for few days in a month and he was very irregular in his attendance and with the intervention of the ALC, there was an amicable settlement and according to the terms of the said settlement, the workman was taken back in service, but he was not paid the wages for the period of his absent and the period of absence was condoned and the workman was treated as in continuous service nationally for the said period of absence and the workman was reinstated in service w.e.f. 1-10-1994 and an entry pass was also issued to him. The further case of the party No. 1 is that the workman remained absent without any intimation from 27-5-1996 to 31-5-1996 and on his resuming duties, he submitted a leave application along with a medical certificate for the period of absence and he was in the habit of remaining absent from duties and he remained absent from duties on 11th, 13th and 16th September, 1996, without any prior permission or intimation and therefore, the Officer Incharge of URC issued a show cause notice dated 18-9-1996 to him and asked for his explanation as to why his wages for 3 days should not be deducted and the workman submitted a leave application on 30th September, 1996, along with a medical certificate dated 28th September, 1996, stating that he could not able to attend duties on 11th, 13th and 16th September, 1996, due to sickness and he had also stated that as nobody was available with him, he could not submit the application earlier and on perusal of medical certificate produced by the workman before the management of URC, it was found that the said medical certificate did not indicate the date of the illness (malaria fever) of the workman and it was only mentioned in the same that he was advised for leave till 23rd September, 1996 and he would be fit to resume his duties on 1st October, 1996 and the medical certificate was found not to be relevant with the absence of the workman on 11th, 13th and 16th September, 1996 and as the workman did not submit any reply to the show cause notice dated 19-9-1996, a reminder was issued vide order dated 26-9-1996 directing the workman to submit his show cause notice within 3 days of receipt of the letter and on 30th September, 1996 itself, the workman filed an application before the ALC (Central) Nagpur, raising in Industrial Dispute alleging terminating of his services w.e.f. 18-9-1996 and the ALC vide his letter dated 30-9-1996, asked the URC management to submit their comments and the management submitted the reply on 16-10-1996 and on 10-1-1997 an amicable settlement took place before the ALC, Nagpur wherein it

was agreed that the workman would be taken back in service w.e.f. 13-1-1997 and the period of absence from 18-9-1996 to 12-1-1997 would be treated as continuous service notionally but the workman would not be entitled for wage for the said period and it was also agreed that whenever the management would terminate the services of the workman, one month's notice or one month's wages, in lieu of notice would be offered to the workman and an appointment order dated 3-6-1997 came to be issued to the workman allowing him to join w.e.f. 13-1-1997, on a consolidated payment of Rs. 500 per month, with the working hours from 8.30 am to 12.30 pm during the working days and according to the terms and conditions of appointment to the post of helper, the workman was required to deposit a cash security of Rs. 2,000 and the workman made a representation to deduct Rs. 200 per month from his salary towards the cash security, on the ground of his not in a position to deposit Rs. 2,000 at a time and his representation was considered by the Officer Incharge of the canteen and his request was acceded to and the workman acknowledged and accepted the terms and conditions of the appointment order dated 3-6-1997 and the workman remained absent on 4-5-1997 and 5-5-1997 without any intimation and he submitted the leave application on 6-6-1997 and as he was a low paid employee, a lenient view was taken and his leave application was granted and on 16-9-1997, the workman was caught red-handed by sergeant A. K. Dubey, who was the Officer Incharge of the canteen, while the workman was tampering with his attendance register and the workman tore off the original papers of the attendance register and made new entries of his own in the attendance register and the management was of the opinion to initiate necessary action against him and a letter was issued by the Officer Incharge of the canteen to the Appointing Authority on 19-9-1997 to that effect and after the incident dated 16-9-1997, the workman left the premises of the URC at 8.30 am and thereafter did not turn up and an absent report was issued by the Officer Incharge of the canteen on 6-10-1997 and the workman approached the Officer Incharge of the Canteen and voluntarily withdrew his cash security of Rs. 2,000 on 30-6-1998, which indicated that he was not interested in continuing with the employment and the workman kept mum for about 28 months till 21-12-1999 and with an ulterior motive, raised the dispute before the ALC, Nagpur alleging that his services were terminated by the management w.e.f. 30-10-1998 without following the provision contained in Section 25-F of the Act, but as a matter of fact, though the management was desirous of taking action against the workman, neither issued any termination letter nor orally terminated his services as alleged by him and before the ALC also, it had stated that the services of the workman was not terminated and the workman remained absent himself from duties w.e.f. 16-9-1997, without any prior intimation and as such, the workman is not entitled for any relief.

4. Besides the documentary evidence, both the parties have led oral evidence in the case.

The workman has examined himself as a witness in support of his claim. In his examination-in-chief, which is on affidavit, he has reiterated the facts mentioned in the statement of claim. However, in his cross-examination, he has stated that no written order of appointment was issued to him by the management of the Airforce and he was paid Rs. 150 per month at the time of his initial appointment and the letter dated 5-6-1996 (Exhibit M-3) was given by him to the management and no security deposit was taken at the time of appointment and management used to deduct Rs. 100 from his salary and no written order was given regarding his removal from service.

5. One Babulal a sergeant of the Airforce has been examined as a witness on behalf of the party No. 1. This witness also in his evidence has reiterated the facts mentioned in the written statement. In his cross-examination also he has stated that the workman worked from 6-6-1991 to March, 1994 continuously and he remained absent from 1-4-1994 for four months and the medical certificate filed by the workman in support of his illness was held by the management not be genuine. The assertion of this witness that the workman left the premises of the canteen after the incident of 16-6-1997, and that he was not terminated from service by the management has not been seriously challenged in the cross-examination and such assertion of the witness has remained virtually unchallenged.

6. In the written notes of argument, it has been submitted by the learned advocate for the workman that the workman was in continuous service of party No. 1 from 6-6-1991 and his services were terminated on 30-10-1998 and from the date of his termination, the workman is unemployed and therefore he is entitled to be reinstated in service with full back wages and as the workman was terminated from service, without holding enquiry, he is entitled to be reinstated in the service with full back wages. In support of such contentions, reliance has been placed on the decisions reported in 2008 (1) Mh. L.J. 448 (Sudhakar Chindu Bhadane Vs. Niphad Taluka Education Society) and 1996 I CLR-172 (Gangaram K. Medekar Vs. Zenith Safe Mfg. Co. & Others).

7. On the other hand, it is submitted by the learned advocate for the management in the written notes of argument that the reference is not maintainable as the workman was never terminated from service w.e.f. 30-10-1998 as alleged by him and the workman withdrew the security deposit on 30-6-1998, which he had deposited with the management and thereafter filed the false reference and therefore, the workman is not entitled for any relief.

8. Perused the record including the statement of claim, written statement, evidence adduced by the parties and the written notes of argument. It is not disputed that the workman was in the employment of party No. 1 from

6-6-1991. It is also not disputed that there was a settlement between the parties before the ALC (Central), Nagpur on 29-9-1994 and as per the terms of settlement, for the period from 1-4-1994 to 29-9-1994, the period of absence of the workman was treated as continuation in service notionally and the workman was not paid any wages for the said period and in view of such settlement, the workman was taken back to work. It is also not disputed that there was another settlement between the parties on 10-1-1997, in regard to the absence of the workman from duty and according to the terms of the said settlement, the period from 19-9-1996 to 12-1-1997 was treated as continuous service notionally and the workman was not paid any wages for the said period and in view of such settlement, the workman was again taken 'to work'.

In this case, the case of the workman is that, he was terminated from service on 30-10-1998, whereas, the party No. 1 has taken the plea that the workman abandoned the service from 16-9-1997 and also withdrew the cash security of Rs. 2,000 deposited by him on 30-6-1998 and this is not a case of termination of service, but a case of abandonment of service by the workman. Management has filed the documents regarding the settlement dated 29-9-1994 and 10-1-1997, the appointment order of the workman dated 3-6-1997, the application of the applicant for deduction of the cash security of Rs. 2,000 from his pay in instalment and the orders passed thereon by the Authority, the documents regarding acceptance of the workman to abide the terms and conditions of the service and the letter written by the Officer Incharge of the canteen regarding the absence of the workman from 16-9-1997 to his higher authority. From the documents it is found that the workman was employed as a part time employee on fix salary of Rs. 500 per month. It is also found from the documents and the oral evidence on record that the workman also received the cash security. Though the workman has mentioned in his statement of claim and has stated in his evidence on affidavit that his services were terminated by the management, neither he has mentioned in the statement of claim nor has stated in his evidence as to whether his services were terminated by any Oral order or by written order. It is also found that the workman though has claimed that his services were terminated on 30-10-1998, he did not take any action till 2002. He also did not write any letter to the management for taking him back in service. So from the evidence on record it is found that the workman abandoned the service himself on 16-9-1997, when he was found by the Authority of tampering with the attendance register. The oral evidence of the witness for the management coupled with the documents filed by the management amply prove such fact. The documents filed by the workman related to the period from 1-6-1991 to 10-1-1997. The workman has not filed any document to show that he worked beyond 16-9-1997. The workman has filed the xerox copies of two temporary pass issued in his favour. He did not file the temporary pass issued in his favour after he was taken

back in service on 13-1-1997. In the temporary passes the validity had been renewed in every month. The xerox copy of the two passes show that the pass was last renewed up to 28-2-1996. If the pass issued in his favour after he was taken back to duty on 13-1-1997, from the same, it could have been find out as to whether the pass was renewed after September, 1997 and from the same it could have been found out that the claim of the workman is true and claim of party No. 1 is not true.

So far the two decisions cited by the learned advocate for the workman in support of the contentions raised on behalf of the workman, are concerned with respect, I am of the view that the same have no application in the present case at hand, as in the decision reported in 2008(1) Mh. L.J.448 (Supra), the question before the Hon'ble Court was regarding non-compliance of Section 16 of the Maharashtra Employees of Private School (Conditions of Service) Regulation Act and as the said specific provision was not complied with, the Hon'ble Court was pleased to discard the defence taken by the Authority regarding voluntarily abandoned of service by the petitioner in that case and in the decision reported in 1996 (I) CLR 172 (Supra) there was no other evidence in the case referred in the decision except the evidence of word against word. In this case, except the oral evidence adduced by the party No. 1, other documents have been filed relating to the period, when the dispute was not raised by the workman, in support of the plea taken by the party No. 1 of abandon of the service by the workman. Hence, it is ordered :

ORDER

That the workman voluntarily abandoned the services and this is not a case of termination of service and as such, the reference is not maintainable. The workman is not entitled for any relief. The reference is disposed off accordingly.

J. P. CHAND, Presiding Officer

नई दिल्ली, 26 अगस्त, 2011

क्र.आ. 2569.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बी.एस.एन.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 12/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-8-2011 को प्राप्त हुआ था।

[सं. एल-40025/1/2011-आई आर (डीयू)]

जोहन तोपनो, अवर सचिव

New Delhi, the 26th August, 2011

S.O. 2569.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 12/2005)

of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of BSNL and their workman, which was received by the Central Government on 26-8-2011.

[No. L-40025/1/2011-IR(DU)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT:

Shri Ved Prakash Gaur, Presiding Officer

Dated, the 25th Day of July, 2011

Industrial Dispute L.C. No. 12/2005

BETWEEN:

Sri K. Vijaya Kumar,
S/o Prabhu Das,
R/o Q. No. B-4, Mamilla Gudem,
Khammam

... Petitioner

AND

1. The Director General (Personnel),
B.S.N.L. Sanchar Bhavan,
20, Ashoka Road, New Delhi.
2. The Chief General Manager, Telecom,
A.P. Circle, Door Sanchar Bhavan,
Nampally, Hyderabad-1.
3. The General Manager, Telecom District,
Khammam, Khammam District.
4. The Sub-Divisional Engineer (Admn.)
O/o G.M.T.D., Khammam District. ... Respondents

APPEARANCES:

For the Petitioner: M/s. Syed Lateef, B. Ramesh
Kumar, Mohd. Yusufuddin &
Y.R. Babu, Advocates

For the Respondents: Sri B. Rajavardhana Reddy,
Advocate

AWARD

This claim petition under Sec. 2A(2) of the I.D. Act, 1947 has been filed by Sri K. Vijaya Kumar, an ex. casual labour of Bharat Sanchar Nigam Ltd., challenging the alleged oral termination order dated 15-9-2003 and to reinstate him in the service with back wages and for regularization as regular employee of the Respondent management.

3. It has been alleged by the Petitioner that he was engaged as casual labour on 17-10-1995 by the Sub-Divisional Engineer (Admn.) Telecom on daily wage basis

and Petitioner worked upto 1-4-1997. Petitioner was getting Rs. 40/- per day which was being paid to him once in a month. The Petitioner has worked for 264 days and thereafter his services were terminated. Then he approached Hon'ble Central Administrative Tribunal through OA No. 16/1998 for grant of temporary status in their organization. Said OA was disposed of with direction to examine the claim of the Petitioner and take appropriate decision and not to disengage the Petitioner for two weeks. However, the Respondent did not consider the case of the Petitioner and Petitioner was disengaged w.e.f. 3-2-1998. Dissatisfied with the action of the Respondent Petitioner filed C.P. No. 26/1998 in OA No. 16/1998 which was disposed of with direction to consider Petitioner's case. But the Respondent did not consider the case of the Petitioner. Thus, the purpose of approaching Hon'ble Central Administrative Tribunal could not fulfil and Petitioner again filed OA No. 1634/99 in which interim order was passed to consider the case of the Petitioner afresh giving preference over new candidates. Even after the order in OA No. 1634/99, the Petitioner's case was not considered for regularization or fresh appointment. While finalizing fresh tender to M/s. Sri Venkateswara Hardwares, Khammam by Respondent, the Petitioner again approached Hon'ble Central Administrative Tribunal by way of OA No. 28/2000 in which interim order was passed for maintaining 'status quo' on 7-1-2000. While the status quo was in force, the Respondent continued the contract system with previous contractor. The Petitioner was re-engaged as contract labour but not as casual labour from 18-7-2000 and he has worked in that capacity till 15-9-2001. Petitioner along with other contract labours was discharged by a oral order dated 15-9-2003.

4. It has further been submitted that Department of Telecommunication introduced "Casual Labours (Grant of Temporary Status and Regularization) Scheme, 1989" which was extended in the year 1993 and again in the year 1998. As per the Scheme, vacancies in Group 'D' was to be filled up exclusively by regularizing the casual labours till the vacancy in the Group 'D' category were available. The DOT called for the required information from all the units. Khammam SSA also received the letter from Assistant Director, who responded that no casual labour is working Khammam as such, the Petitioner was not regularized nor his case was considered. The engagement of the contract labour was stopped from 1-3-1977. Petitioner approached Hon'ble Central Administrative Tribunal, Hyderabad again for regularization of his services but no action was taken as such, he has approached this Tribunal for quashment of his termination order and reinstatement into service.

5. Counter statement has been filed by the Respondent management. They have alleged that Petitioner was engaged on casual basis in Khammam SSA during the years 1995, 1996 and 1997 and he worked for a total period of 264 days till 1997. Thereafter he was engaged through a contractor which remained in force from

26-3-1997 and it was dispensed with from 1-2-2002. No contract labour was engaged w.e.f. 1-2-2002. The Petitioner was paid as casual labour upto 1-4-1997. They have admitted that Petitioner filed OA No. 16/1998 and order passed therein but have contended that Petitioner's representation was examined but he was not found fit and was disengaged on 3-2-1998 in view of the order of Hon'ble Central Administrative Tribunal dated 8-1-1998. They have further admitted that the Petitioner filed C.P. No. 26/1998 which was closed. The Petitioner's representation was disposed of as he was not found eligible for confirmation of temporary status. The Department of Telecommunication vide letter No. 270-6/84 STN, dated 30-3-1985 imposed a ban for engagement of casual labour and this was extended for project work vide letter dated 22-6-1988 and total ban was imposed vide letter dated 12-2-1999 as such, after the imposition of the ban no casual labour was employed by the Respondent. Petitioner's case does not fall within the purview of the Scheme originated by the Department, the Petitioner was not a casual labour on the relevant period as such, his case was not considered nor he was found to be fit for confirmation of the regular status. Petitioner has filed several OAs before Hon'ble Central Administrative Tribunal but he could not get any favourable order from Hon'ble Central Administrative Tribunal. After his failure to get relief in his favour from Hon'ble Central Administrative Tribunal he has approached this Tribunal after much delay and latches. The petition is devoid of merit and deserves to be dismissed.

6. Petitioner has filed his affidavit in chief and appeared for cross-examination. He has marked 15 documents Exs. W1 to W15 available on this record. Respondent management has filed affidavit of Sri P. Jamalaiah, A.G.M. (Admn.) but did not produce him for cross examination. The cross examination was forfeited. The matter was posted for argument. But neither party appeared for arguments. Hence, I have myself gone through the entire facts and documents and statement of witnesses to arrive at the conclusions as under :

- (I) Whether Petitioner's disengagement from the service was legal and justifiable and
- (II) As to whether Petitioner deserves to get any relief from this Tribunal or not ?

7. Point No. (I) : It has been alleged in the claim statement that Petitioner was earlier engaged as casual labour and he worked as casual labour for three years and within those three years he worked for 264 days, as such he was entitled for regularization into the services. During course of cross-examination it was suggested that he worked under contractor prior to 1-5-1997. This suggestion appears to be incorrect because the Respondent management has itself in para 1 of the counter statement stated that Petitioner was a casual labour upto 1-4-1997. Thus, the suggestion of the Respondent that prior to April,

1997, the Petitioner worked as contract labour does not appear to be correct. However, after 1-5-1997 the Petitioner himself claims to be a contract labour vide his own allegations made in para 9 of claim statement wherein he himself has stated that he was re-engaged as contract labour from 18-7-2000. It means that after April, 1997 Petitioner's services were terminated. He was reengaged as contract labour on 18-7-2000. Meaning thereby the scheme of "Casual Labours (Grant of Temporary Status and Regularization) Scheme, 1989" was not applicable in the case of the Petitioner, because as per this scheme the temporary status was to be conferred on all these casual labours who were currently employed and should have rendered a continuous service of atleast one year out of which they must have been engaged on work for a period of 240 days (206 days in case of officers observing five days week). The scheme of 1989 is said to be extended in the year 1993 and again in 1998. The Petitioner's claim is that he was entitled to be absorbed or given temporary status in the year 1998 but as per the condition of the scheme or regularization, the Petitioner should have been working as a casual labour in the year 1998, however, as per his own contention he was discharged from the services in the year 1997 and during the years 1995 to 1997 he put in 264 days, whereas for claiming the benefit of scheme the Petitioner has to prove that he has worked for 206 days in one calendar year. This important fact has not been stated in the claim statement.

8. In his claim statement the Petitioner has nowhere stated that he has worked for 240 days or 206 days in one calendar year as such, the claim of the Petitioner to be regularized or to be absorbed in regular vacancy would not have been considered as Petitioner was not entitled for regularization in the scheme of regularization of the casual labours. Either in the year 1989 or in 1993 or in 1998.

9. It is admitted case of the Petitioner that he was not working as casual labour in the year 1998. The condition precedent as narrated by the Petitioner in para 10 of the claim statement is that the casual labour must be currently employed in the Department. In the year 1993 admittedly Petitioner was not in the service and before the year 1998 Petitioner was retrenched or terminate from the service. Thus, the case of the Petitioner is not covered either under the scheme of 1993 or scheme of 1998 and Department has not committed any illegality or unjustifiability in not granting temporary status to the Petitioner. In the year 1998 as per his own admission and contention of the Petitioner in para 9 of his claim statement he was re-engaged as contract labour, the "Casual Labours (grant of Temporary status and Regularization) Scheme, 1989" was applicable to the casual labours only and not to contract labours as such, the Petitioner was not entitled for regularization as he was not working as a casual labour in any of the years when scheme was in operation. No other point has been raised by the Petitioner.

10. So far as question of employment of Petitioner as casual worker is concerned the management has filed Department of Telecommunications letter No. TA/STB/9-1/RULGS/KW/99 dated 10-12-1999 imposing the ban on the employment of the casual labour. Though the Petitioner worker has denied that any ban was imposed but the copy of the letter is filed which is available on the record is proved that there was ban on the fresh employment of the casual worker in the Department of Telecommunication as such, the management has not committed any illegality in not re-engaging the Petitioner worker as casual labour in the Department.

11. From the above discussion and material/ documents available on record, this Tribunal is of the opinion that the disengagement of the Petitioner in the year 1997 was neither illegal nor unjustifiable, Petitioner has approached this Tribunal after lapse of 8 years for regularization and re-employment, though prior to it the Petitioner has approached Hon'ble Central Administrative Tribunal which forum is also available to the Petitioner but Hon'ble Central Administrative Tribunal has not granted any relief to the Petitioner by passing a specific order for re-engagement or re-appointment of the Petitioner.

12. Petitioner has not been able to prove before this Tribunal that he is entitled for re-engagement as such, his termination order can not be said to be illegal or unjustifiable. Point No. 1 is decided accordingly.

13. Point No. II : The Petitioner workman has not been able to prove that management has illegally terminated him from his services as such, the management has not committed any mistake in terminating the services of the Petitioner. Hence, Petitioner is not entitled for any relief. Point No. II is decided accordingly.

14. From the above discussion, this tribunal comes to the conclusion that the disengagement of the Petitioner is legal and justified and he is not entitled for any relief and petition deserves to be dismissed. Hence, this award.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 25th day of July, 2011.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined
for the Petitioner

Witnesses examined for the
Respondent

WW 1 : Sri K. Vijay Kumar MW 1 : Sri P. Jamalaiah

Documents marked for the Petitioner

Ex. W1 : Copy of statement showing No. of days worked by Petitioner

Ex. W2 : Copy of order in OA No.16/1998

- Ex W3: Copy of representation of WW1
 Ex W4: Copy of order in C.P. No. 26/1998 dt. 31-5-1999
 Ex W5: Copy of order in OA No. 1634/1999 dt. 2-11-1999
 Ex W6: Copy of representation for re-engagement to Respondent by WW1
 Ex W7: Copy of order in OA No. 28/2000 dt. 7-1-2000
 Ex W8: Copy of conduct certificate
 Ex W9: Copy extract of Notification No. S.O. 779(E) dt. 9-12-1976
 Ex W10: Copies of letter Nos. TA/STB/20-2/Corr/98 dt. 26-8-98 & R&E/2-6/VII/17, dt. 15-10-1998
 Ex W11: Copy of Ir. No. TA/STB/20-2-Genl/2001 dt. 19/20-6-2001
 Ex W12: Copy of Ir. No. R&E/2-6/I/2K-2K 1/58 dt. 24-1-2002
 Ex W13: Copy of Ir. No. R&E/2-6/I/2000-2001/58 dt. 5-10-2000
 Ex W14: Copy of letter No. R&E/1-6/VII/2000-01 dt. 14-3-2001
 Ex W15: Copy of Ir. No. TA/STB/20-37/KHM/2000/9 dt. 23-3-2001

Documents marked for the Respondent

NIL

आदेश

नई दिल्ली, 29 अगस्त, 2011

का.आ. 2570.—जबकि केन्द्र सरकार का यह मत है कि भारतीय खाद्य निगम के प्रबंधन से संबंधित नियोक्ताओं एवं इसके साथ संलग्न अनुसूची के संबंध में उनके कामगारों के मध्य एक औद्योगिक विवाद है;

और जबकि इस विवाद में राष्ट्रीय महत्व का प्रश्न शामिल है एवं ऐसी प्रकृति का भी है कि इसमें एक राज्य से अधिक में स्थित भारतीय खाद्य निगम के प्रतिष्ठानों के इसमें रुचि रखने अथवा प्रभावित होने की संभावना है;

और जबकि केन्द्र सरकार का यह मत है कि उक्त विवाद का राष्ट्रीय अधिकरण द्वारा न्यायनिर्णयन किया जाना चाहिए;

अतः अब केन्द्र सरकार औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7ख द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा एक राष्ट्रीय औद्योगिक अधिकरण का गठन करती है, जिसका मुख्यालय कोलकाता में होगा एवं न्यायमूर्ति श्री मानिक मोहन सरकार, वर्तमान में पीठासीन अधिकारी, सी जी आई टी-सह-ग्रम न्यायालय, कोलकाता को इसके पीठासीन अधिकारी के रूप के

नियुक्त करती है, और औद्योगिक विवाद अधिनियम की धारा 10 की उप-धारा (1क) द्वारा प्रदत्त शक्तियों का प्रयोग हुए उक्त औद्योगिक विवाद को न्यायनिर्णयन हेतु उक्त राष्ट्रीय अधिकरण के सुपुर्द करती है। उक्त राष्ट्रीय अधिकरण 6 महीनों की अवधि के अन्दर अपना पंचाट देगा।

अनुसूची

“क्या श्रमिक संघ की भारतीय खाद्य निगम के विभागीय कामगारों को कोलकाता बन्दरगाह के बन्दरगाह एवं गोदी कामगारों के समतुल्य 1-6-2000 से सुनिश्चित वेतन उन्नयन योजना प्रदान करने एवं 1-1-1998 से मकान किराया भत्ता/नगर प्रतिकर भत्ता की स्वीकृति की मांग विधिक एवं न्यायसंगत है? यदि नहीं, तो कामगार किस लाभ के पात्र हैं?”

[सं. एल-22012/304/2006-आई आर (सी-II)]

डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

ORDER

New Delhi, the 29th August, 2011

S.O. 2570.—Whereas the Central Govt. is of the opinion that an industrial dispute exists between the employers in relation to the management of FCI and their workmen in respect to the Schedule hereto annexed;

And whereas the dispute involves question of national importance and also is of such nature that the establishment of Food Corporation of India situated in more than one State are likely to be interested in, or affected;

And whereas the Central Government is of the opinion that the said disputes should be adjudicated by the National Tribunal;

Now, therefore, the Central Government, in exercise of the powers conferred by Section 7B of the I.D. Act, 1947 (14 of 1947), hereby constitutes a National Industrial Tribunal with the Head-Quarters at Kolkata and appoint Justice Shri Manik Mohan Sarkar, presently Presiding Officer, CGIT-cum-L.C., Kolkata as its Presiding Officer, and in exercise of the powers conferred by Sub-Section (1A) of Section 10 of the I.D. Act, hereby refers the said Industrial Dispute to the said National Tribunal for adjudication. The said National Tribunal shall give its award within a period of six months.

SCHEDULE

“Whether the demand of the Union for extending Assured Career Progression Scheme to Departmentalized workers of FCI w.e.f. 1-6-2000 and grant of HRA/CCA w.e.f. 1-1-1998 at par with Port & Dock Workers at Kolkata Port is legal and justified? If not, to what relief the workers are entitled?”

[No. L-22012/304/2006-IR(C-II)]

D.S.S. SRINIVASARAO, Desk Officer